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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter B—Federal Farm Loan System

PART 19—FEES AND CHARGES ON LOANS

ADDITIONAL AND REFUNDING LOANS; CORRECTION

Section 19.226 of Title 6 of the Code of Federal Regulations (18 F. R. 4782) is hereby corrected by changing the last "or" therein to "of".

[SEAL] CARL COLVIN,
Acting Land Bank Commissioner.

[F. R. Doc. 53-7598; Filed, Aug. 28, 1953;
8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—NURSERY STOCK, PLANTS, AND SEEDS

ADMINISTRATIVE INSTRUCTIONS; LIST OF APPROVED PACKING MATERIALS AND INSTRUCTIONS FOR THEIR USE

Pursuant to the authority conferred upon him by § 319.37-16 of the regulations supplementary to Nursery Stock, Plant, and Seed Quarantine No. 37 (7 CFR 319.37-16) under section 5 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159), the Chief of the Bureau of Entomology and Plant Quarantine hereby further amends § 319.37-16a (b) (7 CFR 319.37-16a (b); 18 F. R. 4353) to read as follows:

§ 319.37-16a Administrative instructions; list of approved packing materials and instructions for their use. * * *

(b) In addition, the following material is approved as a packing material for us in connection with lily bulbs from Japan and The Ryukyu Islands imported in accordance with § 319.37-3:

Subsoil from Japan and The Ryukyu Islands treated with an insecticide of a kind

and in an amount deemed by the Chief of Bureau as adequate to destroy *Phyllobrotica* spp. and other insect pests, when certified, in the case of Japan, by an authorized official of the Plant Protection Section, Japanese Ministry of Agriculture and Forestry, or, in the case of The Ryukyu Islands, by an authorized official of the Ryukyu Plant Quarantine Service, as having been dug from at least 2 feet below the soil surface, sifted, dried, and stored so as to prevent contamination with insects and plant diseases, and treated with an insecticide as prescribed by the Chief of Bureau.

The purpose of this amendment is to authorize the use of subsoil from The Ryukyu Islands as a packing material for lily bulbs, provided it has been dug from a depth of 2 feet below the soil surface; has been sifted, dried, and stored so as to prevent contamination with insects and plant diseases; has been treated with an insecticide of a kind and in an amount deemed by the Chief of the Bureau of Entomology and Plant Quarantine as adequate to destroy insect infestations that might be present; and has been so certified by a plan quarantine official of The Ryukyu Islands. Similar provisions for the use of Japanese subsoil were made effective July 24, 1953. The amendment is therefore a lessening of restrictions now imposed. Accordingly, it is found for good cause that notice and public procedure under the Administrative Procedure Act are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the effective date hereof less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162. Interprets or applies sec. 5, 37 Stat. 316, as amended; 7 U. S. C. 159)

This amendment shall be effective September 1, 1953.

Done at Washington, D. C., this 19th day of August 1953.

[SEAL] W. L. POPHAM,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 53-7597; Filed, Aug. 28, 1953;
8:53 a. m.]

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

Title 14: Parts 1-399 (Revised Book) (\$6.00)

Previously announced: Title 3 (\$1.75); Titles 4-5 (\$0.55); Title 6 (\$1.50); Title 7: Parts 1-209 (\$1.75), Parts 210-899 (\$2.25), Part 900-end (Revised Book) (\$6.00); Title 8 (Revised Book) (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 14: Part 400-end (Revised Book) (\$3.75); Title 15 (\$0.75); Title 16 (\$0.65); Title 17 (\$0.35); Title 18 (\$0.35); Title 19 (\$0.45); Title 20 (\$0.60); Title 21 (\$1.25); Titles 22-23 (\$0.65); Title 24 (\$0.65); Title 25 (\$0.40); Title 26: Parts 80-169 (\$0.40), Parts 170-182 (\$0.65), Parts 183-299 (\$1.75); Title 26: Part 300-end, Title 27 (\$0.60); Titles 28-29 (\$1.00); Titles 30-31 (\$0.65); Title 32: Parts 1-699 (\$0.75), Part 700-end (\$0.75); Title 33 (\$0.70); Titles 35-37 (\$0.55); Title 38 (\$1.50); Title 39 (\$1.00); Titles 40-42 (\$0.45); Title 43 (\$1.50); Titles 44-45 (\$0.60); Title 46: Parts 1-145 (Revised Book) (\$5.00), Part 146-end (\$2.00); Titles 47-48 (\$2.00); Title 49: Parts 1-70 (\$0.50), Parts 71-90 (\$0.45), Parts 91-164 (\$0.40), Part 165-end (\$0.55); Title 50 (\$0.45)

Order from

Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 500]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.607 *Lemon Regulation 500—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found

that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 26, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 30, 1953, and ending at 12:01 a. m., P. s. t., September 6, 1953, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 200 carloads;
- (iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 499 (18 F. R. 5029) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of August 1953.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-7642; Filed, Aug. 28, 1953; 8:52 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 959.309 *Limitation of shipments—(a) Findings.* (1) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR, Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth in paragraph (b) of this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from September 7, 1953, to June 30, 1954, both dates inclusive, no handler shall ship potatoes unless such potatoes meet the requirements of (i) the U. S. No. 2 or better grade, 6 ounces minimum weight, or (ii) U. S. No. 1 or better grade, 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(2) Pursuant to § 959.54, each handler may ship not in excess of five hundred-weight per week without regard to the limitations set forth in subparagraphs (1) and (3) of this paragraph and §§ 959.41 and 959.60.

(3) During the period beginning September 7, 1953, and ending October 31, 1953, inclusive, no handler shall ship potatoes unless such potatoes meet the requirements of subparagraph (1) of this paragraph, and, in addition are not more than "slightly skinned," as such term is defined in the U. S. Standards for Potatoes: *Provided*, That during such period, not to exceed 100 hundredweight of each variety of such potatoes may be handled every seven days for any producer without regard to the aforesaid skinning requirement, if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(4) The limitations set forth in subparagraphs (1) and (3) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing in the production area, (ii) seed, (iii) export, (iv) canning, freezing, dehydration, or manufacture or conversion into starch, flour and alcohol, (v) charity, and (vi) livestock feed.

(5) Each handler making shipments of potatoes pursuant to subparagraph (4) of this paragraph shall (except for shipments of potatoes for grading or storing in the production area, and shipments of potatoes for livestock feed within the production area) (i) file an application with the committee pursuant to § 959.104 for permission to make such shipments, (ii) pay assessments on such shipments pursuant to § 959.41, and (iii) have such shipments (except shipments of seed potatoes) inspected pursuant to § 959.60, and for each shipment made pursuant to subdivisions (ii) and (iii) of subparagraph (4) of this paragraph shall furnish a record of shipment applicable thereto to the committee: *Provided*, That each application to ship potatoes made pursuant to subdivisions (ii) and (iii) of subparagraph (4) of this paragraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application: *Provided further*, That each handler agrees in his application to furnish a copy of the bill of lading on each such shipment and to bill each such shipment directly to the applicable processor: *Provided further*, That for each shipment of livestock feed which leaves the production area, the handler thereof shall be required to furnish a notarized affidavit from the purchaser, satisfactory to the committee, stating the number, kind, and location of livestock to which the potatoes will be fed and the such purchaser agrees that such potatoes will be used only for the purposes stated in the affidavit: *And provided further*, That each handler making shipments of potatoes to export, pursuant to subdivision (vi) of subparagraph (4) of this paragraph, shall include in his application applicable thereto, the export license number and shall enter such number on

the Federal-State Inspection Certificate and Bill of Lading applicable to each such shipment, or in the event that no export license is required on such shipment, the handler thereof shall furnish the committee with a copy of the Department of Commerce Export Declaration Form No. 7525-V applicable to such shipment.

(6) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, and the aforementioned grades and sizes shall have the same meaning assigned those terms in the U. S. Standards for Potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of August 1953 to become effective September 7, 1953.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-7600; Filed, Aug. 28, 1953; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter D—Airport Regulations

PART 560—REIMBURSEMENT FOR DAMAGE TO PUBLIC AIRPORTS BY FEDERAL AGENCIES

The following revision of Part 560 is intended primarily to reflect changes in the regulations required as a result of the enactment of Public Law 105, 83d Congress, 1st Session, amending section 17 of the Federal Airport Act. Particular attention is invited to the provisions of § 560.6 setting out the time limitations for the submission of requests to the Administrator and the submission of certifications to the Congress as prescribed by Public Law 105 cited above. Attention is also invited to the provisions of § 560.10 prescribing the minimum data required to be included in a formal request.

Acting pursuant to the authority vested in me by section 17 of the Federal Airport Act, as amended, I hereby revise Part 560 of the regulations of the Administrator of Civil Aeronautics, to read as follows:

Sec.	Purpose of regulations.
560.1	Definitions.
560.2	Eligible requests for reimbursement.
560.3	Eligible petitioner.
560.4	Eligible airport.
560.5	Time limitations.
560.6	Eligible rehabilitation or repair.
560.7	Amount of reimbursement.
560.8	Claims filed with other Federal agencies.
560.9	Formal request.
560.10	Consideration and determination of request; notification to petitioner.
560.11	Certification of request to the Congress; notification to petitioner.
560.12	Notification of appropriation.
560.13	Accomplishment of rehabilitation or repair.
560.14	Inspection, audit, and records.

Sec.	Payments from funds appropriated by the Congress.
560.16	Supplemental certification.
560.17	Projects for rehabilitation or repair in the Federal-aid airport program.
560.18	Forms.

AUTHORITY: §§ 560.1 to 560.19 issued under sec. 17, 60 Stat. 179, as amended; 49 U. S. C. and Sup. 1116.

§ 560.1 *Purpose of regulations.* The regulations of this part apply to requests for reimbursement submitted pursuant to the provisions of section 17 of the act, for the cost of the necessary rehabilitation or repair of public airports substantially damaged by Federal agencies. The Administrator, acting pursuant to due delegation of authority from the Secretary of Commerce, is authorized by section 17 of the act to render such assistance to public agencies as he deems necessary in the preparation of such requests for reimbursement. Upon receipt of such a request from a public agency, the Administrator, on behalf of the United States, will consider, ascertain, and determine, in accordance with the regulations of this part, the actual or estimated cost of such necessary rehabilitation or repair for which the public agency is entitled to reimbursement from the United States and will submit through the Secretary of Commerce a certification to the Congress of the amount of such cost. Section 17 of the act provides that such certification shall be deemed a contractual obligation of the United States and authorizes such amounts to be appropriated by the Congress as may be necessary to enable the Administrator to make payments to public agencies as provided therein, either upon completion of the rehabilitation or repair involved or as such rehabilitation or repair progresses.

§ 560.2 *Definitions.* The following words and phrases wherever used in this part, unless the context clearly indicates otherwise, shall have the following respective meanings:

(a) "Act" means the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), as amended.

(b) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(c) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings or other airport facilities located thereon.

(d) "Betterment" means (1) the construction or development of a new area or facility replacing a damaged area or facility, and having greater utility than such damaged area or facility, or (2) the repair or improvement of a damaged area or facility (i) to a condition better than its condition at the applicable time specified in paragraph (c) of this section with respect to "restoration", (ii) in accordance with higher standards of construction than its original construction, or (iii) in accordance with specifications other than those on which the certification to the Congress was based.

(e) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(f) "Damaged area" means any area of a public airport where damage has occurred, for the cost of the necessary rehabilitation or repair of which reimbursement is requested under the regulations of this part, and which, in the opinion of the Administrator, is or was identifiable as a functional unit of the airport, contributing materially to its safety or utility.

(g) "Damaged facility" means any airport building, or other airport facility, which has suffered damage, for the cost of the necessary rehabilitation or repair of which reimbursement is requested under the regulations of this part, and which, in the opinion of the Administrator, is or was identifiable as a functional unit of the airport, contributing materially to its safety or utility.

(h) "District Airport Engineer" means the director of a District Office of the Airports Division of a CAA Regional Office.

(i) "Federal agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Government of the United States or any corporation wholly owned (either directly or indirectly through one or more corporations) by the United States.

(j) "Petitioner" means a public agency which submits to the Administrator a request for reimbursement for the cost of the necessary rehabilitation or repair of a public airport pursuant to the provisions of section 17 of the act.

(k) "Public agency" means a State, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands or an agency of any of them; a municipality or other political subdivision; or a tax supported organization.

(l) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(m) "Regional Administrator" means the director of a CAA Regional Office or his duly authorized representative.

(n) "Rehabilitation or repair" means either restoration or betterment.

(o) "Restoration" means (1) the repair of a damaged area or facility (i) to a condition equivalent to its condition immediately prior to such damage if the damage occurred while the area or facility was not owned or controlled and managed by the United States or a Federal agency; or (ii) if the area or facility was owned by the United States or a Federal agency at the time of such damage and had been acquired from a public agency for not more than a nominal consideration, to a condition equivalent to its condition immediately prior to such acquisition; or (iii) if the area or facility was controlled and managed but not owned, by the United States or a Federal agency at the time of such damage, to a condition equivalent to its condition immediately prior to the assumption of such control and management; or (2) such replacement of the damaged area or facility with a new area or facility of

comparable utility as is deemed necessary because of the impracticability of repairing the damaged area or facility.

(p) "Reimbursement" means the payment of money by the United States to a petitioner pursuant to the provisions of section 17 of the act.

§ 560.3 *Eligible requests for reimbursement.* To be eligible for consideration by the Administrator, a request for reimbursement must:

(a) Be submitted by an eligible petitioner as defined in § 560.4;

(b) Cover damage to an eligible airport as defined in § 560.5;

(c) Be submitted within the time limitations prescribed in § 560.6; and

(d) Cover eligible rehabilitation or repair as defined in § 560.7.

§ 560.4 *Eligible petitioner.* To be eligible, a petitioner must be a public agency and have control or management of the airport to which the request relates, at the time of submitting the request. Control or management may be established by an interim permit or an approved application for a surplus airport in those cases where the airport in question is subject to an outstanding lease or other conveyance to the United States.

§ 560.5 *Eligible airport.* To be eligible, an airport must be located in the continental United States, the Territory of Hawaii, the Territory of Alaska, Puerto Rico, or the Virgin Islands, and meet the following requirements:

(a) The landing area of the airport must be owned and controlled by a public agency, and the airport must be used or intended to be used by and for the benefit of the public, at the time the request is submitted, and must have been used for public purposes under the control of a public agency at the time the damage occurred: *Provided*, That if the airport was damaged while owned by the United States or a Federal agency and if the nucleus thereof had been acquired by the United States or a Federal agency from a public agency for not more than a nominal consideration, such nucleus must have been developed or used as a non-Federal airport immediately prior to such acquisition.

(b) To meet the requirements of paragraph (a) of this section, it is not necessary that the public agency controlling an airport be the public agency owning its landing area, or that the public agency controlling an airport or owning its landing area, at the time a request is submitted, be the public agency which controlled the airport or owned the landing area at the time the damage occurred.

(c) If an airport is operated by a private person or concern under a lease or contract from a public agency, such airport will be regarded as "used by and for the benefit of the public" and "under the control of a public agency", as required by paragraph (a) of this section if (1) the airport is being so used, and (2) the lease or contract reserves to the public agency sufficient control over the manner in which the airport is operated to permit such public agency to compel its operation for the use and benefit of the public.

§ 560.6 *Time limitations.* (a) A request may be submitted to the Administrator before, during or after the accomplishment of the rehabilitation or repair for the cost of which reimbursement is requested, provided it is submitted within the time limitations prescribed in this section. However, consideration of the request by the Administrator will be facilitated by submission of the request as soon as possible after occurrence of the damage upon which the request is based; or in the case of a request relating to damage occurring while the airport was under the control and management of the United States, as soon as possible after the transfer of such control and management to the public agency involved.

(b) No request can be considered by the Administrator under section 17 of the act, as amended, unless (1) it is submitted to him during the period beginning July 8, 1953, and ending March 31, 1954, and no later than the appropriate limitation date prescribed in paragraph (c), paragraph (d), or paragraph (e) of this section, whichever is applicable, and (2) it is based on damage which occurred on or after January 1, 1951, or involves damage which occurred prior to October 10, 1949 while the airport was under the control and management of the United States, which control and management was transferred to the public agency involved on or after January 1, 1951.

(c) A request based on damage which occurred during the period beginning January 1, 1951, and ending on July 7, 1953, or involving damage which occurred while the airport was under the control and management of the United States, which control and management was thereafter transferred to the public agency involved during the period beginning January 1, 1951, and ending on July 7, 1953, can be considered by the Administrator only if it is submitted to him not later than January 8, 1954. A certification to the Congress, based on such a request, cannot be made after January 8, 1955.

(d) A request based on damage which occurred during the period beginning July 8, 1953, and ending September 30, 1953, or involving damage which occurred while the airport was under the control and management of the United States, which control and management was thereafter transferred to the public agency involved during the period beginning July 8, 1953, and ending September 30, 1953, can be considered by the Administrator only if it is submitted to him within six months after such date of occurrence or such date of transfer whichever is applicable. A certification to the Congress based on such a request cannot be made more than eighteen months after such date of occurrence or such date of transfer, whichever is applicable.

(e) A request based on damage which occurred on or after October 1, 1953, or involving damage which occurred while the airport was under the control and management of the United States, which control and management was thereafter transferred to the public agency involved on or after October 1, 1953, can

be considered by the Administrator only if it is submitted to him not later than March 31, 1954. A certification to the Congress based on such a request cannot be made after March 31, 1955.

§ 560.7 Eligible rehabilitation or repair. In order to be eligible, rehabilitation or repair must meet the following requirements:

(a) The rehabilitation or repair must be, or have been, necessary to remedy substantial damage to an eligible airport caused or permitted by a Federal agency.

(b) The rehabilitation or repair must be, or have been, for the purpose of remedying damage to an area or facility which was owned by the petitioner or other public agency at the time the damage occurred, unless, at that time, the area or facility was owned by the United States or a Federal agency, in which case the area or facility must have been a part of a non-Federal public airport, which had been acquired by the United States, or a Federal agency from a public agency for not more than a nominal consideration.

(c) The rehabilitation or repair must have, or have had, as its principal object the remedying of damage for which the petitioner, the airport owner, or any other person or agency has never been adequately compensated, reimbursed, or recompensed by the United States or any Federal agency.

(d) The circumstances must be such that reimbursement would be in the public interest.

§ 560.8 Amount of reimbursement. The amount of reimbursement to be included in a certification to the Congress as representing the Administrator's determination of the actual or estimated cost of the eligible rehabilitation or repair of any specific damaged area or facility, whether accomplished or to be accomplished by means of restoration as defined in § 560.2 (c) or betterment as defined in § 560.2 (d), will be determined as provided below:

(a) If at the time of such determination by the Administrator the eligible rehabilitation or repair has not been accomplished or if accomplished the necessary actual cost thereof has not been determined, the amount to be included in the certification will be equal to the estimated cost of restoration as defined in § 560.2 (c).

(b) If at the time of such determination by the Administrator the eligible rehabilitation or repair has been accomplished by means of restoration as defined in § 560.2 (c) and the necessary actual cost thereof has been determined, the amount to be included in the certification will be equal to the amount of such necessary actual cost.

(c) If at the time of such determination by the Administrator the eligible rehabilitation or repair has been accomplished by betterment as defined in § 560.2 (d) and the necessary actual cost thereof has been determined, the amount to be included in the certification will be the amount of such necessary actual cost or the amount of the estimated cost of restoration as defined in § 560.2 (c), whichever is the lesser.

§ 560.9 Claims filed with other Federal agencies. A request for reimbursement may be submitted under the regulations of this part notwithstanding the fact that the petitioner has filed prior thereto a claim against the United States relating to the subject matters of such request. In such a case, however, the petitioner shall notify the Administrator, as provided in this part, as to the basis for and the current status of such claim.

§ 560.10 Formal request. (a) In order to be considered for submission within the time limitations prescribed in § 560.6 a request must be submitted in writing, should be signed by an officer of the petitioner duly authorized to submit such a request, and must contain at least the following information:

- (1) Name and address of petitioner.
- (2) Name and location of airport.
- (3) Approximate period when the damage occurred.

(4) A list of facilities claimed to have been damaged.

(5) The name of the Federal agency causing or permitting the damage.

(6) Statement that reimbursement is being requested or claimed.

(b) All requests shall be submitted in quadruplicate to the appropriate District Airport Engineer or to the Administrator of Civil Aeronautics, Department of Commerce, Washington 25, D. C. The date on which a request prepared in accordance with the provisions of paragraph (a) of this section is received by the appropriate District Airport Engineer or the Administrator, as the case may be, will be considered the date on which such request was submitted to the Administrator for the purposes of the time limitation provisions of § 560.6.

(c) The petitioner will be advised of the receipt of a request duly submitted by it and of the appropriate office or representative of the Civil Aeronautics Administration to be addressed for any advice or information regarding the request or for the submission of any information in support thereof, as prescribed in this section.

(d) At the time of submission of a formal request or as soon as possible thereafter the petitioner shall grant, or cause to be granted, authority to the District Airport Engineer or other representatives of the Administrator to inspect the airport and the damaged areas and facilities, to interview representatives of the petitioner and airport owner, and to examine airport records and documents as may be deemed necessary by such representatives of the Administrator.

(e) At the time of, or as soon as possible after, submission of the formal request prescribed in paragraph (a) of this section the petitioner should submit the following basic information in support of the request, together with supporting documents, maps, affidavits, records and other pertinent material:

(1) Ownership of the airport at the time of submitting the request; if petitioner or another public agency is operating the airport under a lease, permit, license, or agreement from another public agency, copies of such instru-

ments must be submitted; if a lessee or assignee of the petitioner or another public agency is operating the airport, copies of the operating lease or agreement must be submitted.

(2) Extent to which the airport has ever been operated other than for the use and benefit of the public.

(3) Ownership of airport, damaged areas, and damaged facilities at time damage occurred; if a Federal agency was at that time in possession under a lease or agreement with or deed from the petitioner or another public agency, copies of such documents must be submitted.

(4) If the damage occurred while the airport was in the possession or control of a Federal agency, evidence or information must be submitted as to the condition of the airport at the time the Federal agency assumed possession or control, its condition at the time such possession or control was relinquished, and the type, extent, and period of operation of the airport by the Federal agency.

(5) If the damage occurred while the airport was not in the possession or control of a Federal agency, evidence or information must be submitted as to its condition immediately prior to such damage.

(6) Specific cause of the damage, giving full facts known relative to what specific acts or omissions on the part of a Federal agency damaged the airport.

(7) Nature and extent of the damage, illustrated by maps of the airport with the damaged area delineated thereon, photographs, and such other evidence pertaining thereto as may be available.

(8) Extent to which the damage was covered by insurance.

(9) Itemized lists of all necessary rehabilitation or repair work accomplished, with breakdowns of such work by items and cost; vouchers or other evidence of payment must be submitted, together with maps, photographs and other pertinent material.

(10) Itemized lists of all proposed rehabilitation or repair work considered necessary, with an estimate of cost of each item and such plans and specifications as have been prepared.

(11) Such other records, documents, or data as may be necessary to support the request for reimbursement.

(12) Statement to the effect that the request does not include reimbursement for the cost of rehabilitation or repair of improvements and facilities constructed with United States funds by the Federal agency which owned, managed, or controlled the airport or damaged facility involved, or caused or permitted the damage.

(13) Statement of the nature and current status of any claim filed with a Federal agency, or any litigation arising out of or in connection with the subject damage, together with copies of pertinent documents related thereto.

(14) Evidence that the governing body of the petitioner has duly authorized or approved submission of the request for reimbursement.

§ 560.11 Consideration and determination of request; notification to peti-

tioner. After receipt of the formal request prescribed in § 560.10 (a) within the appropriate time limitation described in § 560.6, the Administrator will communicate with the Federal agency or agencies alleged to have caused the damage, to obtain their views with respect to the alleged damage. After receipt of the basic supporting information prescribed in § 560.10 (e) and such additional supporting information as the petitioner may have been requested to submit to the CAA, and after obtaining the views of the Federal agency or agencies involved, a preliminary and tentative finding of the eligibility of the rehabilitation or repair and the amount of reimbursement allowable therefor will be made and the petitioner notified thereof. The notification will designate each of the damaged areas and facilities which are to be, or have been, rehabilitated or repaired, and for each of such areas and facilities the notification will state the rehabilitation or repair for which reimbursement was requested, the amount requested therefor, and the amount tentatively allowed therefor. The petitioner will be given twenty days, or such additional time as may be granted, to file additional information in support of any amount which has not been tentatively allowed. Thereafter the Administrator will consider, ascertain, and finally determine the amount of reimbursement to be certified as the actual or estimated cost of the eligible rehabilitation or repair.

§ 560.12 *Certification of request to the Congress; notification to petitioner.* The Administrator will submit a certification to the Congress of such amount as he has determined to be the actual or estimated cost of the eligible rehabilitation or repair. The certification will include a brief statement of the character of the damage upon which the request is based and of the work performed or to be performed to accomplish the eligible rehabilitation or repair. As soon as possible after actual submission of such certification to the Congress the petitioner will be advised thereof.

§ 560.13 *Notification of appropriation.* As soon as possible after an appropriation has been made by the Congress pursuant to a certification, the petitioner will be advised of the amount so appropriated and of the office or representative of the Civil Aeronautics Administration with whom to communicate for information and advice on the procedures to be followed in obtaining reimbursement pursuant to the certification.

§ 560.14 *Accomplishment of rehabilitation or repair.* (a) Rehabilitation or repair may be accomplished before or after a request for reimbursement is submitted pursuant to the provisions of § 560.10. However, if the rehabilitation or repair of the damaged area or facility is to be accomplished by means of betterment, as defined in § 560.2 (d), or by means of restoration affected through replacement of the damaged area or facility, as defined in § 560.2 (c) (2), such betterment or replacement should not be undertaken prior to the submission

to the Administrator for his approval of detailed plans and specifications for the accomplishment thereof as prescribed hereinbelow. Furthermore, in the event an item of betterment is included, or is to be included, as airport development in a project in the Federal-aid airport program (see § 560.18) such item of betterment should not be undertaken prior to the date of execution of a grant agreement therefor in order to comply with the pertinent provisions of the act and regulations relating to the allowability of project costs.

(b) A petitioner may accomplish the rehabilitation or repair of an airport as a whole or, if it desires to do so, may accomplish separately the rehabilitation or repair of any damaged area or facility.

(c) Detailed plans and specifications for the accomplishment of rehabilitation or repair shall be submitted to the Administrator for his approval, unless in the opinion of the Administrator the work involved in rehabilitation or repair is of a type not requiring plans and specifications for satisfactory accomplishment. Such plans and specifications shall be submitted prior to the start of construction unless the rehabilitation or repair has been completed at the time a request for reimbursement is submitted therefor, in which event the detailed plans and specifications for such rehabilitation or repair as accomplished shall be submitted as soon as possible after submission of the formal request but not any later than the time of submission of an application for the payment of the cost thereof. Early submission of detailed plans and specifications may avoid delay in the Administrator's consideration of the request and in the making of payments out of funds appropriated pursuant to the certification to the Congress.

§ 560.15 *Inspection, audit and records.* The petitioner shall permit authorized representatives of the Administrator to inspect the airport to determine that rehabilitation or repair is being or has been accomplished satisfactorily, and to audit its records and accounts to determine the necessary actual cost of such rehabilitation or repair. Progress inspections and audits may be made at any time at the discretion of the Administrator during the accomplishment of the rehabilitation or repair. If a request for reimbursement includes a substantial amount of rehabilitation or repair completed prior to the request, or includes entirely completed rehabilitation or repair of a damaged area or facility, an inspection of such completed rehabilitation or repair and an audit of the necessary actual cost thereof may be made prior to certification to the Congress. A final inspection and audit will be made prior to lump-sum payment or final payment as provided in § 560.16 (a) and (b). In order to facilitate determination by the Administrator of the necessary actual cost of accomplished rehabilitation or repair, the petitioner should secure and retain in its files documentary evidence of costs and payments therefor, such as invoices, cost estimates, pay rolls, vouchers, cancelled checks or warrants, and receipts.

§ 560.16 *Payments from funds appropriated by the Congress.* Funds appropriated by the Congress pursuant to a certification may be paid to the petitioner as provided in this section.

(a) *Lump-sum payments.* A lump-sum payment may be applied for by a petitioner either after completion of all eligible rehabilitation or repair for which certification was made or after completion of the rehabilitation or repair of any damaged area or facility covered by such certification. Such a payment will be made only after an inspection and audit have been made by the CAA pursuant to the provisions of § 560.15 and only if the rehabilitation or repair has been completed to the satisfaction of the Administrator. If the completed rehabilitation or repair has been paid for by the petitioner, payment will be made in an amount equivalent to the necessary actual cost of the rehabilitation or repair, or the amount included in the certification therefor, or the amount of appropriated funds available for reimbursement therefor, whichever of such amounts is the least. If the rehabilitation or repair has been accomplished but not paid for, the Administrator will pay not to exceed 90 percent of the actual cost of such rehabilitation or repair, or 90 percent of the amount included in the certification therefor, or 90 percent of the amount of appropriated funds available for reimbursement therefor, whichever of such amounts is the least; thereafter, when the rehabilitation or repair has been paid for, the petitioner may apply for and receive payment of the balance of the total amount which would have been payable as a lump-sum payment under this section if such rehabilitation or repair had been paid for at the time the original application for such payment was made.

(b) *Progress payments—(1) Agreements for progress payments.* Progress payments may be made either for all eligible rehabilitation or repair for which certification was made or for the rehabilitation or repair of any damaged area or facility covered by such certification, as such rehabilitation or repair progresses. Such payments will be made, as provided in this section, to a petitioner at its request provided an agreement therefor has been entered into between the petitioner and the Administrator on Form ACA 2043 (§ 560.19 (a)). A petitioner desiring progress payments should so notify the Administrator, describing the rehabilitation or repair to be accomplished, for which progress payments will be requested, and distinguishing between items of restoration and items of betterment. Such a notice may be submitted at any time after certification and should be submitted as far as possible in advance of the date it is anticipated a request for payment will be made. After monies have been appropriated by the Congress for payment of rehabilitation or repair included in such a notice, the Administrator will prepare and execute a proposed agreement on Form ACA 2045 (§ 560.19 (a)) based upon such notice and will submit it to the petitioner as soon as circumstances permit, for execu-

tion by a duly authorized official of the petitioner. When so executed, an agreement should be returned to the District Airport Engineer.

(2) *Time and amount of progress payments.* A petitioner may apply for progress payments, as the work progresses, on a monthly basis or such other basis as may be set forth in the agreement entered into pursuant to subparagraph (1) of this paragraph. The amount of a progress payment will be based upon the percentage of physical completion of the rehabilitation or repair for which payment is applied for. To determine the aggregate amount of progress payments earned as of a specified date for any particular item of rehabilitation or repair, such percentage will be applied to the agreed-upon maximum amount of reimbursement for such item, or to the latest revised total estimated cost of such item, whichever is the lesser. The progress payment due as of such date will equal such aggregate amount less the total of all prior progress payments for the item. No progress payment will be made, however, which would bring the aggregate of such payments to an amount in excess of 90 percent of the agreed-upon maximum amount of reimbursement for the item or to an amount in excess of 90 percent of the latest revised total estimated cost thereof, whichever is the lesser: *Provided*, That where the rehabilitation or repair has been more than 90 percent completed, and where all of the rehabilitation or repair accomplished has been paid for by the petitioner, and where the remainder of the rehabilitation or repair to be accomplished will be suspended for an appreciable length of time due to weather conditions or other causes beyond the control of the petitioner, a progress payment may, at the discretion of the Administrator, be made in an amount which will bring the aggregate of such payments to an amount computed on the basis of the percentage of physical completion reached, such payment to be made on the basis of an inspection by the CAA and a CAA audit.

(3) *Final payment.* Final payment for any particular item of rehabilitation or repair will be made after such item has been accomplished to the satisfaction of the Administrator, and has been paid for by the petitioner, and after an inspection has been made by the CAA and the amount of reimbursement has been established by a final CAA audit. Such a final payment will be made in an amount computed by deducting the aggregate amount of all progress payments made for the item from the smallest of the three following amounts: (i) The necessary actual cost of the item of rehabilitation or repair as accomplished; (ii) the amount included therefor in the certification; (iii) the amount of appropriated funds available for reimbursement therefor.

(c) *Applications for payments.* All applications for progress, final, and lump-sum payments shall be made on Form ACA-2044 (§ 560.19 (b)), accompanied by a summary of costs of rehabilitation or repair on Form ACA-1630 (§ 560.19 (c)) and a separate Periodic

Cost Estimate on Form ACA-1629 (§ 560.19 (d)) for each construction contract or petitioner's force account representing costs for which payment is requested.

(d) *Recovery in event of excess payments.* If the Administrator determines at any time that the aggregate of payments for an item of rehabilitation or repair exceeds the necessary actual cost of the work then performed therefor, or the maximum amount included in the certification therefor, the United States shall be entitled to recover such excess.

§ 560.17 *Supplemental certification.* In the event that, after all items of rehabilitation or repair included in a certification have been accomplished, it is determined by the Administrator that the necessary actual cost of any such item accomplished by restoration as defined in § 560.2 (c), exceeds the amount of funds available for reimbursement thereof under the applicable appropriation, there will be submitted to the Congress a supplemental certification of the amount of such excess. Payment of the amount of the supplemental certification will be made to the petitioner as soon as possible after appropriation therefor by the Congress.

§ 560.18 *Projects for rehabilitation or repair in the Federal-aid airport program.* Subject to the applicable requirements of the act relative to the Federal-aid airport program and Part 550 of this subchapter, a petitioner may sponsor a project in that program for any item of betterment which has not yet been accomplished, the estimated cost of which exceeds the amount of reimbursement therefor included in a certification to the Congress under this part. The participation by the United States in such a project in the Federal-aid airport program will be a percentage share of the allowable project costs of the item of betterment over and above the amount of reimbursement therefor included in the certification.

§ 560.19 *Forms.* The purpose of this section is to describe the various forms referred to in the foregoing sections of this part. Copies of such forms and assistance in the completion and execution thereof may be obtained by a petitioner from the District Airport Engineer of the CAA district in which the airport to be rehabilitated or repaired is located.

(a) *Agreement for progress payments for airport rehabilitation or repair, Form ACA-2045 (3-49).* This form, when executed by the Administrator on behalf of the United States and by a petitioner, constitutes an agreement between the United States and the petitioner for the making of progress payments of monies appropriated by the Congress in reimbursement of the cost of rehabilitation or repair. This agreement describes the items of rehabilitation or repair for which progress payments will be made, indicating whether they are items of restoration or items of betterment, and specifies the maximum amount of the United States obligation therefor. Such

agreement includes a promise by the petitioner to complete the rehabilitation or repair in accordance with plans and specifications (including subsequent revisions and modifications thereof) having the approval of the Administrator or his duly authorized representative, and to refund to the United States all such payments for any item of rehabilitation or repair in the event such item of rehabilitation or repair is not so completed. It provides also that in the event it is determined by the Administrator upon completion of any item of restoration that the actual cost thereof is in excess of the agreed-upon maximum amount for such item, acceptance by the petitioner of progress payments aggregating said maximum amount shall not be deemed full reimbursement of the cost of such rehabilitation or repair and shall not prejudice the right of the petitioner to submit a supplementary request for reimbursement in the amount of such excess. In addition, it will include such special terms and conditions as the Administrator determines to be necessary in the particular case to insure compliance with section 17 of the act and the regulations in this part.

(b) *Application for payment for rehabilitation or repair, Form ACA-2044 (3-49).* This form contains a formal statement of application for payment for rehabilitation or repair in a specified amount. It identifies the appropriate letter of notification of certification from the Administrator and the agreement, if any, between the petitioner and Administrator for progress payments. It contains spaces for describing briefly the items of restoration and betterment involved and for stating for each of such items the agreed-upon maximum amount of reimbursement, the revised total estimated cost, the costs of rehabilitation or repair incurred as of a specified date, the amount of reimbursement earned as of that date, the amount of all previous payments and unpaid applications, and the amount applied for. The following certification to be executed by a responsible official of the sponsor is provided for:

I certify that the above application for payment is correct and just, and for a payment which has not been received. I further certify that the cost estimates and statements of costs incurred, as set forth in this application, are true and correct, and relate only to items of rehabilitation or repair contemplated by the letter of notification of certification from the Administrator of Civil Aeronautics dated _____, 19____, and the agreement entered into between the Petitioner and the United States, dated _____, 19____; and that all such costs have been incurred in connection with rehabilitation or repair accomplished in accordance with said letter of notification and agreement¹ and applicable plans and specifications.

In addition, a certification is provided for signature by the District Airport Engineer.

Instructions for the preparation of this form are appended thereto.

(c) *Summary of project costs, Form ACA-1630 (5-48).* This form contains

¹ See also §§ 560.14 (a) and 560.5 (1) of this subchapter.

¹ This reference to an agreement should be stricken if no such agreement exists.

spaces in which the petitioner is to insert a description of the rehabilitation or repair accomplished, the latest revised total estimated costs, the actual costs incurred to date, and the percentage that the latter bears to the former, all of these figures to be broken down into four main cost classifications: (1) Construction costs, (2) engineering costs, (3) administrative expenses, and (4) contingencies. Instructions for the preparation of this form are appended thereto.

(d) *Periodic cost estimates, Form ACA-1629 (5-49)*. This form contains two certifications, as follows:

(1) A certification to be executed by the contractor (or the petitioner with respect to force account work) that "the work performed and the materials supplied to date, as shown on this periodic cost estimate, represent the actual value of accomplishment under the terms of this contract in conformity with approved plans and specifications, and that the quantities shown were properly determined and are correct."

(2) An "acknowledgment and concurrence of the petitioner's engineer," concurring in the contractor's certification (to be omitted in the case of force account work).

These certifications are preceded by spaces for inserting information regarding the progress of rehabilitation or repair, including the dates when the work was commenced and when completion is anticipated, the percentage of physical completion of rehabilitation or repair, the latest revised estimate of the quantity and cost of the various work items to be accomplished, and a statement of the quantities and value of all work items actually accomplished as of the end of the period for which the report is prepared.

Instructions for the preparation of this form are appended thereto.

This revision shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-7565; Filed, Aug. 28, 1953;
8:46 a. m.]

[Amdt. 16]

PART 600—DESIGNATION OF CIVIL AIRWAYS ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)* is amended by deleting

the portion which reads: "the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range;" and by adding the following portion in lieu thereof: "Bradford, Mass., nondirectional radio beacon;"

2. Section 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended by deleting the portion which reads: "Providence, R. I., radio range station to the intersection of the north course of the Providence, R. I., radio range and the west course of the Boston, Mass., radio range." and by adding the following portion in lieu thereof: "Providence, R. I., radio range station to the Bedford, Mass., nondirectional radio beacon."

3. Section 600.245 *Red civil airway No. 45 (Blackstone, Va., to Willow Grove, Pa.)* is amended by changing the last portion which begins "From the Washington, D. C., radio range station" to read: "From the Riverdale, Md., nondirectional radio beacon via the intersection of a line bearing 63° True from the Riverdale nondirectional radio beacon and the south course of the Baltimore, Md., radio range; Baltimore, Md., radio range station to the intersection of the north course of the Baltimore, Md., radio range and the southwest course of the Allentown, Pa., radio range. From the Lancaster, Pa., nondirectional radio beacon to the Willow Grove, Pa., (Navy) radio range station."

4. Section 600.257 is amended by changing caption to read: "*Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio)*" and by changing the portion before "Rockford, Ill., radio range station;" to read: "From the Des Moines, Iowa, radio range station via the Cedar Rapids, Iowa, nondirectional radio beacon; Moline, Ill., radio range station; Rockford, Ill., radio range station;"

5. Section 600.281 is amended to read: "§ 600.281 *Red civil airway No. 81 (Cadillac, Mich., to Detroit, Mich.)*. From the Cadillac, Mich., nondirectional radio beacon via the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range."

6. Section 600.301 is added to read:

§ 600.301 *Red civil airway No. 101 (Tampa, Fla., to Miami, Fla.)*. From the Tampa, Fla., radio range station to the Miami, Fla., radio range station.

7. Section 600.302 is added to read:

§ 600.302 *Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.)*. From the intersection of the south course of the Louisville, Ky., radio range and a line bearing 268° True from the Lexington, Ky., nondirectional radio beacon via the Lexington, Ky., nondirectional radio beacon; the intersection of a line bearing 82° True from the Lexington, Ky., nondirectional radio beacon and the southwest course of the Huntington, W. Va., radio range to the intersection of the east course of the Louisville, Ky., radio range and the southwest course of the Huntington, W. Va., radio range.

8. Section 600.621 is amended to read:

§ 600.621 *Blue civil airway No. 21 (Pittsburgh, Pa., to Erie, Pa.)*. From the intersection of the northwest course of the Pittsburgh, Pa., radio range and the south course of the Youngstown, Ohio, radio range via the Youngstown, Ohio, radio range station to the intersection of the north course of the Youngstown, Ohio, radio range and the southwest course of the Erie, Pa., radio range.

9. Section 600.675 *Blue civil airway No. 75 (Miami, Fla., to Tampa, Fla.)*, is revoked.

10. Section 600.681 is amended to read:

§ 600.681 *Blue civil airway No. 81 (Charleston, W. Va., to United States-Canadian Border)*. From the Charleston, W. Va., radio range station via the Zanesville, Ohio, nondirectional radio beacon to the Akron, Ohio, radio range station. From the intersection of the east course of the Cleveland, Ohio, radio range and the southeast course of the Sarnia, Ontario, Canada, radio range to the intersection of the southeast course of the Sarnia, Ontario, Canada, radio range with the United States-Canadian Border.

11. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)*, is amended between the Topeka, Kans., omnirange station and the Kansas City, Mo., omnirange station to read: "Topeka, Kans., omnirange station, including a south alternate; intersection of the Topeka omnirange 078° True and the Kansas City omnirange 261° True radials; Kansas City, Mo., omnirange station, including a north alternate;" and between the Columbia, Mo., omnirange station and the St. Louis, Mo., omnirange station to read: "Columbia, Mo., omnirange station, including a south alternate and also a north alternate via the intersection of the Kansas City omnirange 076° True and the Columbia omnirange 291° True radials, excluding those portions which overlap danger areas; St. Louis, Mo., omnirange station, including a north and a south alternate;"

12. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to Allentown, Pa.)*, is amended between the Grand Island, Nebr., omnirange station and the Des Moines, Iowa, omnirange station to read: "Grand Island, Nebr., omnirange station, including a north alternate; Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station, including a south alternate;"

13. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)*, is amended between the Grand Island, Nebr., omnirange station and the Des Moines, Iowa, omnirange station to read: "Grand Island, Nebr., omnirange station, including a south alternate; Omaha, Nebr., omnirange station, including north and south alternates; Des Moines, Iowa, omnirange station, including a south alternate;"

14. Section 600.6012 *VOR civil airway No. 12 (Daggett, Calif., to Philadelphia,*

[Amdt. 16]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.257 is amended by changing caption to read: "Red civil airway No. 57 control areas (Des Moines, Iowa to Youngstown, Ohio)."

2. Section 601.281 is amended to read:

§ 601.281 Red civil airway No. 81 control areas (Cadillac, Mich., to Detroit, Mich.). All of Red civil airway No. 81.

3. Section 601.301 is added to read:

§ 601.301 Red civil airway No. 101 control areas (Tampa, Fla., to Miami, Fla.). All of Red civil airway No. 101.

4. Section 601.302 is added to read:

§ 601.302 Red civil airway No. 102 control areas (Louisville, Ky., to Huntington, W. Va.). All of Red civil airway No. 102.

5. Section 601.621 is amended to read:

§ 601.621 Blue civil airway No. 21 control areas (Pittsburgh, Pa., to Erie, Pa.). All of Blue civil airway No. 21.

6. Section 601.675 Blue civil airway No. 75 control areas (Miami, Fla., to Tampa, Fla.), is revoked.

7. Section 601.1045 is amended to read:

§ 601.1045 Control area extension (Presque Isle, Maine). From the Presque Isle, Maine, radio range station extending 5 miles either side of the west course of the radio range to a point 15 miles west of the radio range station, including all that area bounded on the north and east by Blue civil airway No. 17, on the south by Red civil airway No. 86 and on the west by Amber civil airway No. 7.

8. Section 601.1117 is amended to read:

§ 601.1117 Control area extension (Lincoln, Nebr.). Within 5 miles either side of the north course of the Lincoln radio range extending from the radio range station to the intersection of the north course of the Lincoln radio range with the west course of the Omaha, Nebr., radio range, and all that airspace bounded on the north by Red civil airway No. 6 and Red civil airway No. 93, on the east by long. 96°13'00", on the south by lat. 40°30'00", and on the west by long. 97°20'00".

9. Section 601.1120 is added to read:

§ 601.1120 Control area extension (Cedar Rapids, Iowa). Within 5 miles

Pa.), is amended between the Anthony, Kans., omnirange station and the Wichita, Kans., omnirange station to read: "Anthony, Kans., omnirange station, including a north alternate; Wichita, Kans., omnirange station, including a north alternate and also a south alternate via the intersection of the Anthony omnirange 084° True and the Wichita omnirange 191° True radials;" and between the Columbia, Mo., omnirange station and the Vandalia, Ill., omnirange station to read: "Columbia, Mo., omnirange station, including a south alternate and also a north alternate via the intersection of the Kansas City omnirange 076° True and the Columbia omnirange 291° True radials; St. Louis, Mo., omnirange station, including a north and a south alternate; Vandalia, Ill., omnirange station, including a north alternate via the intersection of the St. Louis omnirange 050° True and the Vandalia omnirange 279° True radials;"

15. Section 600.6014 VOR civil airway No. 4 (Roswell, N. Mex., to Boston, Mass.), is amended between the Vichy, Mo., omnirange station and the Vandalia, Ill., omnirange station to read: "Vichy, Mo., omnirange station, including a north alternate; St. Louis, Mo., omnirange station, including a north and a south alternate; Vandalia, Ill., omnirange station, including a north alternate via the intersection of the St. Louis omnirange 050° True and the Vandalia omnirange 279° True radials;"

16. Section 600.6015 VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.), is amended between the Kansas City, Mo., omnirange station and the Sioux City, Iowa, omnirange station to read: "From the Kansas City, Mo., omnirange station via the St. Joseph, Mo., omnirange station, including an east alternate via the intersection of the Kansas City omnirange 020° True and the St. Joseph omnirange 132° True radials; Omaha, Nebr., omnirange station, including an east alternate; Sioux City, Iowa, omnirange station, including an east alternate and also a west alternate via the intersection of the Omaha omnirange 320° True and the Sioux City omnirange 175° True radials;"

17. Section 600.6016 VOR civil airway No. 16 (Los Angeles, Calif., to Montebello, Va.), is amended between the Blythe, Calif., omnirange station and the Columbus, N. Mex., omnirange station to read: "Blythe, Calif., omnirange station; Hasayampa, Ariz., omnirange station; Phoenix, Ariz., omnirange station; intersection of the Phoenix omnirange 160° True and the Tucson omnirange 313° True radials; Tucson, Ariz., omnirange station; Cochise, Ariz., omnirange station; Columbus, N. Mex., omnirange station;"

18. Section 600.6046 VOR civil airway No. 46 (Detroit, Mich., to Mansfield, Ohio), is revoked.

19. Section 600.6066 VOR civil airway No. 66 (San Diego, Calif., to Midland, Tex.), is amended between the Gila Bend, Ariz., omnirange station and the Douglas, Ariz., omnirange station to read: "Gila Bend, Ariz., omnirange station;

Tucson, Ariz., omnirange station; Douglas, Ariz., omnirange station;"

20. Section 600.6073 VOR civil airway No. 73 (Tulsa, Okla., to Salina, Kans.), is amended before the Wichita, Kans., omnirange station to read: "From the Tulsa, Okla., omnirange station via the Wichita, Kans., omnirange station, including a west alternate;"

21. Section 600.6077 is amended by changing the caption to read: "VOR civil airway No. 77 (San Angelo, Tex., to St. Joseph, Mo.)," and by changing all after the Ponca City, Okla., omnirange station to read: "Ponca City, Okla., omnirange station; Wichita, Kans., omnirange station, including a west alternate via the intersection of the Ponca City omnirange 340° True and the Wichita omnirange 191° True radials; Topeka, Kans., omnirange station to the St. Joseph, Mo., omnirange station."

22. Section 600.6100 is amended to read:

§ 600.6100 VOR civil airway No. 100 (San Francisco, Calif., to Fresno, Calif.). From the San Francisco, Calif., omnirange station via the intersection of the San Francisco omnirange 111° True and the Fresno omnirange 287° True radials to the Fresno, Calif., omnirange station.

23. Section 600.6125 is amended to read:

§ 600.6125 VOR civil airway No. 125 (Anthony, Kans., to Russell, Kans.). From the Anthony, Kans., omnirange station via the Hutchinson, Kans., omnirange station to the Russell, Kans., omnirange station.

24. Section 600.6130 is added to read:

§ 600.6130 VOR civil airway No. 130. [Unassigned.]

25. Section 600.6131 is added to read:

§ 600.6131 VOR civil airway No. 131 (Ponca City, Okla., to Topeka, Kans.). From the Ponca City, Okla., omnirange station via the Emporia, Kans., omnirange station; intersection of the Emporia omnirange 050° True and the Topeka omnirange 174° True radials to the Topeka, Kans., omnirange station.

26. Section 600.6132 is added to read:

§ 600.6132 VOR civil airway No. 132. [Unassigned.]

27. Section 600.6133 is added to read:

§ 600.6133 VOR civil airway No. 133 (Parkersburg, W. Va., to Mansfield, Ohio). From the Parkersburg, W. Va., omnirange station via the Mansfield, Ohio, omnirange station to the point of intersection of the Mansfield omnirange 345° True radial and the west course of the Wellington, Ohio, VHF VAR station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., September 1, 1953.

[SEAL]

F. B. LEE,

Administrator of Civil Aeronautics.

[F. R. Doc. 53-7563; Filed, Aug. 28, 1953; 8:45 a. m.]

either side of a line bearing 266° True extending from the Cedar Rapids Municipal Airport to a point 25 miles west.

10. Section 601.1343 is added to read:

§ 601.1343 *Control area extension (Juneau, Alaska)*. That airspace within a 5-mile radius of the Juneau Airport and within 5 miles either side of direct lines extending from the Juneau Airport to a point at lat. 58°21'30", long. 134°52'40" thence to the Sisters Island, Alaska, non-directional radio beacon.

11. Section 601.1984 *Five-mile radius zones* is amended by adding the following airport: "Glens Falls, N. Y.: Warren County Airport".

12. Section 601.2061 is amended to read:

§ 601.2061 *Lincoln, Nebr., control zone*. Within a 5-mile radius of the Lincoln Air Force Base; within 2 miles either side of the north course of the Lincoln radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of a line bearing 325° True from the Air Force Base extending through the ILS outer marker to a point 5 miles northwest of the ILS outer marker.

13. Section 601.2219 is added to read:

§ 601.2219 *Cedar Rapids, Iowa, control zone*. Within a 5-mile radius of the Cedar Rapids Municipal Airport and within 2 miles either side of a line bearing 266° True extending from the airport to a point 10 miles west.

14. Section 601.2299 is amended to read:

§ 601.2299 *Limestone, Maine, control zone*. That airspace over United States territory within a 6 mile radius of Limestone AFB and within 2 miles either side of a direct line extending between the Limestone AFB nondirectional radio beacon and the Presque Isle, Maine, radio range station excluding the portion which overlaps the Presque Isle control zone.

15. Section 601.2341 is added to read:

§ 601.2341 *Utica, N. Y., control zone*. Within a 5-mile radius of Oneida County Airport, Utica, N. Y., excluding the portion which overlaps the Griffis AFB control zone.

16. Section 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)*, is amended after "Buffalo, N. Y., radio range station;" by adding the following reporting point: "the intersection of the east course of the Buffalo, N. Y., radio range and the southwest course of the Rochester, N. Y., radio range;"

17. Section 601.4210 *Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.)*, is amended after "Meridian, Miss., radio range station;" by adding the following reporting point: "the intersection of a line bearing 144° True from the Tuscaloosa, Ala., nondirectional radio beacon and the southwest course of the Birmingham, Ala., radio range;"

18. Section 601.4257 is amended by changing caption to read: "Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio)."

19. Section 601.4281 is amended by changing caption to read: "Red civil airway No. 81 (Cadillac, Mich., to Detroit, Mich.)."

20. Section 601.4301 is added to read:

§ 601.4301 *Red civil airway No. 101 (Tampa, Fla., to Miami, Fla.)*. The intersection of the northeast course of the Fort Myers, Fla., radio range and the southeast course of the Tampa, Fla., radio range.

21. Section 601.4302 is added to read:

§ 601.4302 *Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.)*. No reporting point designation.

22. Section 601.4603 is amended to read:

§ 601.4603 *Blue civil airway No. 3 (Tallahassee, Fla., to Sault Ste. Marie, Mich.)*. The intersection of the northwest course of the Nashville, Tenn., radio range and the west course of the Bowling Green, Ky., radio range; Traverse City, Mich., radio range station; Pellston, Mich., nondirectional radio beacon.

23. Section 601.4621 is amended to read:

§ 601.4621 *Blue civil airway No. 21 (Pittsburgh, Pa., to Erie, Pa.)*. No reporting point designation.

24. Section 601.4630 is amended to read:

§ 601.4630 *Blue civil airway No. 30 (Brownsville, Tex., to Amarillo, Tex.)*. Junction, Tex., nondirectional radio beacon.

25. Section 601.4675 *Blue civil airway No. 75 (Miami, Fla., to Tampa, Fla.)*, is revoked.

26. Section 601.6046 *VOR civil airway No. 46 control areas (Detroit, Mich., to Mansfield, Ohio)*, is revoked.

27. Section 601.6073 is amended to read:

§ 601.6073 *VOR civil airway No. 73 control areas (Tulsa, Okla., to Salina, Kans.)*. All of VOR civil airway No. 73 including a west alternate.

28. Section 601.6077 is amended to read:

§ 601.6077 *VOR civil airway No. 77 control areas (San Angelo, Tex., to St. Joseph, Mo.)*. All of VOR civil airway No. 77 including east alternates and a west alternate.

29. Section 601.6125 is amended to read:

§ 601.6125 *VOR civil airway No. 125 control areas (Anthony, Kans., to Russell, Kans.)*. All of VOR civil airway No. 125.

30. Section 601.6130 is added to read:

§ 601.6130 *VOR civil airway No. 130 control areas*. [Unassigned.]

31. Section 601.6131 is added to read:

§ 601.6131 *VOR civil airway No. 131 control areas (Ponca City, Okla., to Topeka, Kans.)*. All of VOR civil airway No. 131.

32. Section 601.6132 is added to read:

§ 601.6132 *VOR civil airway No. 132 control areas*. [Unassigned.]

33. Section 601.6133 is added to read:

§ 601.6133 *VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Mansfield, Ohio)*. All of VOR civil airway No. 133.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., September 1, 1953.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-7564; Filed, Aug. 28, 1953; 8:46 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950—)

WAIVER OF ADJUSTMENT OR RECOVERY OF OVERPAYMENTS

Regulations No. 4 (20 CFR, Cum. Supp., 404.1 et seq.) are further amended as follows:

1. So much of § 404.510 as precedes paragraph (a) thereof is amended to read as follows:

§ 404.510 *When an individual is "without fault" in a deduction-overpayment*. Except as provided in § 404.511, an individual will be without fault in failing to report an event which causes a deduction under section 203 (b) or (c) of the act (see §§ 404.408 and 404.409) and in accepting a "deduction-overpayment" if and only if it is shown that such failure and acceptance is caused by one or more of the following:

2. Section 404.510 (b) is amended to read as follows:

(b) Reliance upon erroneous information as to the interpretation of the deduction provisions, as to the coverage of services, as to whether the income derived by such individual from his self-employment activity constitutes net earnings from self-employment, or the like, coming from official sources within the Administration or other governmental agency which the individual had reasonable cause to believe was connected with the administration of benefits under title II.

3. Section 404.510 (f) is amended to read as follows:

(f) The continued issuance of checks to him after he sent notice of the event which caused or would cause the deduction, provided it led him to believe in good faith that he was entitled to checks subsequently received.

4. Section 404.510 (l) is amended to read as follows:

(l) Lack of knowledge by wife, husband, or child that the old-age beneficiary has incurred or would incur

deductions provided the wife, husband, or child is not living with the beneficiary and had no reason to know that his or her employment or the income derived from his or her self-employment activity has caused or would cause such deductions.

5. Section 404.510 (n) is amended to read as follows:

(n) Unawareness that his employment after 1950 was covered by virtue of the Social Security Act Amendments of 1950 or that his income from his self-employment activity became net earnings from self-employment by virtue of such act, when he reasonably believed that such employment was not covered or that his income was not net earnings from self-employment; except that the provisions of this paragraph shall not apply with respect to benefits for months after 1952.

6. Section 404.510 is amended by inserting the following new paragraph, designated as (o), immediately after paragraph (n) thereof:

(o) Reasonable belief that net earnings from self-employment derived by him after the attainment of age 75 would not cause deductions with respect to benefits payable for months prior to the attainment of such age; provided it is shown that his net earnings from self-employment prior to the attainment of age 75 did not exceed \$600 (if he attained age 75 in a taxable year ending prior to September 1952) or \$900 (if he attained age 75 in a taxable year ending after August 1952) (see § 404.414).

7. Section 404.512 (b) is amended to read as follows:

(b) *Adjustment or recovery deemed "against equity and good conscience" under certain circumstances.* In the situations described in § 404.510 (c) to (k), inclusive, and in § 404.510 (m) to (o), inclusive (other than situations arising under such sections with respect to deductions under section 203 (b) (2) of the act), if the monthly net cash earnings ("take-home" pay) did not exceed the total benefits affected, there shall be no adjustment or recovery since it will be deemed that under such circumstances adjustment or recovery would be "against equity and good conscience." Where the net cash earnings exceeded the total benefits or where in such situations the deduction is with respect to an event arising under section 203 (b) (2) of the act, adjustment or recovery shall be waived only if it appears that adjustment or recovery would "defeat the purpose of title II" or would otherwise be "against equity and good conscience."

(Sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302. Interpret or apply sec. 204, 49 Stat. 624, as amended; 42 U. S. C. 404)

[SEAL] W. L. MITCHELL,
Acting Commissioner of
Social Security.

Approved: August 24, 1953.

NELSON A. ROCKEFELLER,
Acting Secretary.

[F. R. Doc. 53-7579; Filed, Aug. 28, 1953;
8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

PATENT ROYALTIES

Section 1459.8 (a) is amended to reflect the expiration of the Royalty Adjustment Act on July 1, 1953, by deleting in their entirety subparagraphs (1) and (2) and inserting in lieu thereof the following new subparagraphs (1) and (2):

§ 1459.8 *Other costs, expenses and reserves—(a) Patent royalties.* (1) When, in renegotiation, a contractor has included substantial amounts in costs for royalties paid or payable on or before July 1, 1953, under patent rights, the Board will determine whether any action has been taken under the Royalty Adjustment Act, and will be guided by the principles set out below.

(2) An order under the Royalty Adjustment Act fixing the rates and amounts of royalties to be paid under a license agreement has no legal effect retroactively. The order applies only to royalties, irrespective of when payable, which are unpaid to the licensor on the effective date of the notice under the statute, whether accruing before or after the effective date of the notice, and does not and cannot require the refund of any royalties which have been paid to the licensor before said effective date. No such order is effective after the expiration of the Royalty Adjustment Act on July 1, 1953.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: August 26, 1953.

NATHAN BASS,
Secretary.

[F. R. Doc. 53-7596; Filed, Aug. 28, 1953;
8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[DMS Regulation No. 1, Direction 4 of
Aug. 27, 1953]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 4—SELF-AUTHORIZATION PROCEDURE FOR MRO NEEDED BY CERTAIN PERSONS

This direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable because the direction affects many different industries.

Sec.

1. What this direction does.
2. Definitions.
3. Procurement of products and materials for MRO.
4. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. *What this direction does.* This direction establishes a self-authorization procedure for priorities assistance by which certain persons may obtain maintenance, repair, and operating supplies, and installation materials (referred to collectively as "MRO") needed to enable them to fill rated and certain other orders. The provisions of DMS Regulation No. 1 regarding MRO requirements of manufacturers who receive rated orders for Class A or Class B products are revoked concurrently with the issuance of this direction which covers the MRO needs of such manufacturers.

SEC. 2. *Definitions.* As used in this direction:

(a) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(b) "Operating supplies" means any kind of material carried by a person as operating supplies according to his established accounting practice. It includes expendable tools, jigs, dies, and fixtures used on production equipment, regardless of the accounting practice of the person. It also includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge.

(c) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service and connection thereof to existing service facilities.

(d) "MRO" means materials for maintenance, repair, and operating supplies, and for installation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(e) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1952, the accounting practice in use by such person on that date or on the last day of

his operation prior thereto. In the case of a person whose operation begins after December 31, 1952, the term means the accounting practice established by him in such operation.

SEC. 3. Procurement of products and materials for MRO. If inability to obtain MRO would result in failure by a person to fill a rated order, an authorized controlled material order, or any other order which he is required to accept by NPA, or in failure to comply with a directive of NPA, he may, by self-authorization and without filing any application, use the allotment number D-9 and the rating DO-D-9 in obtaining products and materials required for such MRO. He may place authorized controlled material orders in accordance with the provisions of DMS Regulation No. 1, and shall indicate thereon the allotment number D-9 and the calendar quarter in which delivery of the controlled materials is required. Even though he receives no allotment, he may nevertheless authorize a production schedule and make an allotment to a person manufacturing Class A products for him in the manner prescribed by DMS Regulation No. 1. Such allotments shall bear the allotment number D-9 and shall show the calendar quarter in which delivery of the controlled materials is required by his Class A product supplier. He may place rated orders to obtain products and materials other than controlled materials in accordance with the provisions of NPA Reg. 2, and shall indicate thereon the rating DO-D-9. In no event shall a person use the allotment number D-9 or the rating DO-D-9 to acquire products and materials in a greater amount or on an earlier date than required to provide the MRO necessary to enable him to fill his rated orders, authorized controlled material orders, or other orders which he is required to accept by NPA, or to enable him to comply with directives of NPA.

SEC. 4. Applicability of other regulations and orders. (a) Any person (including, but not limited to, a defense contract laboratory which may obtain MRO pursuant to Direction 3 to DMS Regulation No. 1) who is entitled to obtain MRO materials for a particular purpose under any other regulation, order, or direction of NPA, shall not use the procedures of this direction to obtain MRO materials for such purpose. (b) Nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA. The provisions of DMS Regulation No. 1 regarding the making and use of allotments and the placing of authorized controlled material orders, and the provisions of NPA Reg. 2 regarding the use of ratings, except as otherwise provided in this direction, shall apply to operations under this direction.

This direction shall take effect August 27, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-7601; Filed, Aug. 27, 1953;
12:38 p. m.]

[DMS Regulation No. 1, Amdt. 1 of Aug. 27, 1953]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DELETION OF MRO PROVISIONS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable because the amendment affects many different industries.

This amendment affects DMS Regulation No. 1, as issued March 23, 1953, by deleting the provisions relative to obtaining maintenance, repair, and operating supplies for use in filling rated orders for Class A or Class B products. A person requiring such supplies for filling rated and certain other orders may obtain his requirements in accordance with the provisions of Direction 4 to DMS Regulation No. 1, issued concurrently herewith.

DMS Regulation No. 1, as issued March 23, 1953, is hereby amended by deleting paragraphs (r) and (s) of section 3, paragraph (f) of section 8, and paragraph (e) of section 9.

(64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 27, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-7602; Filed, Aug. 27, 1953;
12:38 p. m.]

[DMS Regulation No. 2, Amdt. 1 of
Aug. 27, 1953]

DMS REG. 2—CONSTRUCTION UNDER THE DEFENSE MATERIALS SYSTEM

DELETION OF MRO PROVISIONS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable because the amendment affects many different industries.

This amendment affects DMS Regulation No. 2, as issued March 23, 1953, by deleting the provisions relative to obtaining maintenance, repair, and operating supplies for use in fulfilling authorized construction schedules. A person requiring such supplies for the fulfillment of an authorized construction schedule may obtain his requirements in accordance with the provisions of Direction 3 to DMS Regulation No. 2, issued concurrently herewith.

DMS Regulation No. 2, as issued March 23, 1953, is hereby amended by deleting paragraphs (t) and (u) of section 3, and paragraph (h) of section 8.

(64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 27, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-7603; Filed, Aug. 27, 1953;
12:38 p. m.]

[DMS Regulation No. 2, Direction 3 of Aug. 27, 1953]

DMS REG. 2—CONSTRUCTION UNDER THE DEFENSE MATERIALS SYSTEM

DIR. 3—SELF-AUTHORIZATION PROCEDURE FOR MRO NEEDED BY CERTAIN CONTRACTORS

This direction under DMS Regulation No. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable because the direction affects many different industries.

Sec.

1. What this direction does.
2. Definitions.
3. Procurement of products and materials for MRO.
4. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939.

SECTION 1. What this direction does. This direction establishes a self-authorization procedure for priorities assistance by which owners and contractors may obtain maintenance, repair, and operating supplies, and installation materials (referred to collectively as "MRO") needed to enable them to fulfill authorized construction schedules. The provisions of DMS Regulation No. 2 regarding MRO requirements of owners and contractors for fulfillment of authorized construction schedules are revoked concurrently with the issuance of this direction which covers the MRO needs of such owners and contractors.

SEC. 2. Definitions. As used in this direction:

(a) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(b) "Operating supplies" means any kind of material carried by a person as operating supplies according to his established accounting practice. It includes expendable tools, jigs, dies, and fixtures used on production equipment, regardless of the accounting practice of the person. It also includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge.

(c) "Installation" means the setting up or relocation of machinery, fixtures or equipment in position for service and connection thereof to existing service facilities.

(d) "MRO" means materials for maintenance, repair, and operating supplies, and for installation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(e) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1952, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1952, the term means the accounting practice established by him in such operation.

SEC. 3. *Procurement of products or materials for MRO.* If inability to obtain MRO would result in failure by an owner or contractor to fulfill an authorized construction schedule, or in failure to comply with a directive of NPA, he may, by self-authorization and without filing any application, use the allotment number D-9 and the rating DO-D-9 in obtaining products and materials required for such MRO. He may place authorized controlled material orders in accordance with the provisions of DMS Regulation No. 2, and shall indicate thereon the allotment number D-9 and the calendar quarter in which delivery of the controlled materials is required. Even though he receives no allotment, he may nevertheless authorize a production schedule and make an allotment to a person manufacturing Class A products for him in the manner prescribed by DMS Regulation No. 2. Such allotments shall bear the allotment number D-9 and shall show the calendar quarter in which delivery of the controlled materials is required by his Class A product supplier. He may place rated orders to obtain products and materials other than controlled materials in accordance with the provisions of NPA Reg. 2, and shall indicate thereon the rating DO-D-9. In no event shall an owner or contractor use the allotment number D-9 or the rating DO-D-9 to acquire products and materials in a greater amount or on an earlier date than required to provide the MRO necessary to enable him to fulfill his authorized construction schedule, or to enable him to comply with a directive of NPA.

SEC. 4. *Applicability of other regulations and orders.* (a) Any person (in-

cluding, but not limited to, a defense contract laboratory which may obtain MRO pursuant to Direction 3 to DMS Regulation No. 1) who is entitled to obtain MRO materials for a particular purpose under any other regulation, order, or direction of NPA, shall not use the procedures of this direction to obtain MRO materials for such purpose.

(b) Nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA. The provisions of DMS Regulation No. 2 regarding

the making and use of allotments and the placing of authorized controlled material orders, and the provisions of NPA Reg. 2 regarding the use of ratings, except as otherwise provided in this direction, shall apply to operations under this direction.

This direction shall take effect August 27, 1953.

NATIONAL PRODUCTION
AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 53-7604; Filed, Aug. 27, 1953;
12:38 p. m.]

Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 154 to Schedule A]

[Rent Regulation 2, Amdt. 152 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE RENTAL AREAS

CERTAIN STATES

Effective September 1, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A indicated below read as set forth below. (Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of August 1953.

GLENWOOD J. SHERRARD,
Director,
Defense Rental Areas Division.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
<i>Alabama</i>				
(3) Camp Rucker	A	COFFEE	Sept. 1, 1950	Nov. 7, 1951
<i>Illinois</i>		[Revoked and decontrolled].		
<i>Louisiana</i>				
(120) Camp Polk	B C	VERNON PARISH do	Jan. 1, 1941 Aug. 1, 1950	July 1, 1942 Nov. 7, 1951
<i>Missouri</i>				
(172) Fort Leonard Wood	B C	PULASKI do	Apr. 1, 1941 Aug. 1, 1950	July 1, 1942 Sept. 27, 1951
<i>Nebraska</i>		[Revoked and decontrolled].		
(182)		[Revoked and decontrolled].		
<i>Nevada</i>		[Revoked and decontrolled].		
(184a)		[Revoked and decontrolled].		

These amendments decontrol the following defense-rental areas and portions of defense-rental areas on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the Act: Braidwood-Joliet, Illinois; Knob Noster-Sedalia, Missouri; Sidney, Nebraska, and Hawthorne, Nevada, Defense-Rental Areas and portions of the Camp Rucker, Alabama, Camp Polk, Louisiana, and Fort Leonard Wood, Missouri, Defense-Rental Areas.

[F. R. Doc. 53-7634; Filed, Aug. 27, 1953; 2:55 p. m.]

[Rent Regulation 3, Amdt. 144 to Schedule A]

[Rent Regulation 4, Amdt. 88 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE RENTAL AREAS

CERTAIN STATES

Effective September 1, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A indicated below read as set forth below. (Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of August 1953.

GLENWOOD J. SHERRARD,
Director,
Defense Rental Areas Division.

sons for rails and gallinules in Alabama from November 17 to January 10; in Michigan from October 1 to November 24; and in Wisconsin from October 3 to November 26.

c. Subparagraph (3) *Central Flyway* States is amended to prescribe seasons (5) *Atlantic Flyway States*.

MIGRATORY WATERFOWL AND COOT

Ducks	Geese (except Snow Geese)	Coot	Brant	Woodcock	Wilson's Snipe or Jacksnipe
Daily bag limits	14	2	10	4	8
Possession limits	18	4	10	8	8
Seasons in:					
Connecticut	Oct. 30-Dec. 28		Oct. 30-Nov. 13	Oct. 17-Nov. 25	Nov. 15-Nov. 23
Delaware	Nov. 11-Jan. 9		Nov. 11-Nov. 25	Nov. 15-Dec. 24	Dec. 24-Jan. 7
Florida	Nov. 12-Jan. 9			Nov. 20-Dec. 29	Dec. 12-Dec. 26
Georgia	Nov. 11-Jan. 9		Dec. 26-Jan. 9	Dec. 12-Jan. 20	Oct. 17-Oct. 31
Maine	Oct. 9-Dec. 7		Oct. 9-Oct. 23	Oct. 1-Nov. 9	Oct. 5-Oct. 19
Maryland	Nov. 11-Jan. 9		Nov. 11-Nov. 25	Nov. 15-Dec. 4	
Massachusetts	Oct. 28-Dec. 26		Oct. 28-Nov. 11	Oct. 20-Nov. 20	Oct. 1-Oct. 15
New Hampshire	Oct. 1-Oct. 29		Oct. 1-Oct. 15	Oct. 1-Nov. 9	Nov. 6-Nov. 20
New Jersey	See footnote 4		See footnote 6	See footnote 7	See footnote 8
North Carolina	Nov. 11-Jan. 9		Dec. 29-Jan. 9	Nov. 20-Jan. 4	Nov. 20-Dec. 10
Pennsylvania	Oct. 15-Dec. 12		Oct. 15-Oct. 29	Nov. 2-Nov. 10	Oct. 2-Oct. 16
Rhode Island	Nov. 6-Jan. 4		Nov. 6-Nov. 20	Nov. 1-Dec. 9	Nov. 1-Nov. 15
South Carolina	Nov. 11-Jan. 9		Dec. 26-Jan. 9	Dec. 1-Jan. 9	Dec. 26-Jan. 9
Vermont	Oct. 5-Dec. 3		Oct. 5-Oct. 19	Oct. 1-Nov. 9	
Virginia	Nov. 11-Jan. 9		Nov. 11-Nov. 25	Nov. 17-Dec. 1	Nov. 17-Dec. 1
West Virginia	Oct. 20-Dec. 24		Nov. 11-Nov. 25	Oct. 1-Oct. 14	Oct. 1-Oct. 14
Puerto Rico	Dec. 15-Feb. 12			Nov. 11-Nov. 30	

¹ Wood duck: No open season in West Virginia. In other States, bag and possession limit may include 1 wood duck only. The above limits do not include mergansers. Daily bag and possession limit for American and red-breasted mergansers 25 singly or in the aggregate of both kinds and for the hooded merganser 1 a day or in possession.

² Not more than 2 geese of any kind (except snow geese) in a straight or mixed bag a day, or 4 singly or in the aggregate in possession.

³ District of Columbia: No open season but migratory game birds may be possessed therein in accordance with § 6.6 (c).

⁴ Scoter, elder, and old-squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Maine, Massachusetts, New Hampshire, and Rhode Island from Sept. 16 to Dec. 31; in Connecticut and New York from Oct. 1 to Dec. 31. In areas other than those beyond outer harbor lines such birds may be taken during the open seasons for other ducks. In these States only, the daily bag limit is 7 scoter, elder, or old-squaw ducks singly or in the aggregate, and not exceeding 14 in possession singly or in the aggregate of all kinds.

⁵ Only Canada geese or its subspecies may be taken in Massachusetts.

⁶ Waterfowl (except brant) and coot: New York (except Long Island and that part of Westchester County lying south of the Hutchinson River Parkway) Oct. 17-Dec. 15; brant, Oct. 17-Oct. 31. Long Island and that part of Westchester County lying south of the Hutchinson River Parkway, brant Nov. 6-Nov. 20, other waterfowl and coot Nov. 6-Jan. 4.

⁷ Woodcock: In that part of New York lying north of the line described below, Oct. 5-Nov. 4; on Long Island and also in that part of New York south of said line the season shall be Oct. 19-Nov. 18. Beginning at Lake Ontario and continuing easterly along the north shore of the Salmon River to the village of Central Square, thence easterly along Route 11 to its intersection with Route 29 to its junction with Route 28 in the village of Middleville, thence easterly along Route 29 to its junction with Route 147, thence southerly along Route 147 to its intersection with Route 67, thence easterly along Route 67 through Ballston Spa to its junction with Route 9 at Malta, thence northerly along Route 9 to its junction with Route 49, thence easterly along Route 49 to its junction with Route 423, thence easterly along Route 423 to its junction with Route 4, thence northerly along Route 4 to Route 22, thence easterly along Route 22 to its junction with Route 30B, thence easterly along Route 30B to the New York-Vermont boundary. Jacksnipe: New York (except Long Island) Oct. 17-Oct. 31; Long Island Nov. 6-Nov. 20. On first day of season hunting may not start before 12 o'clock noon in New York and also in New Jersey.

⁸ Pennsylvania: Oct. 15-Dec. 12 except the Delaware River and the west bank thereof within 100 yards of the high water line on the Pennsylvania side where the season shall be Nov. 6-Jan. 4.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(3) Camp Rucker	Alabama	COFFEE	Sept. 1, 1950	Nov. 7, 1951
(126) Camp Polk	Illinois	(Revoked and decontrolled).		
(172) Fort Leonard Wood	Louisiana	VERNON PARISH	Aug. 1, 1950	Do.
(173) Missouri	Missouri	(Revoked and decontrolled).		Sept. 27, 1951
(182) Nebraska	Nebraska	(Revoked and decontrolled).		
(184a) Nevada	Nevada	(Revoked and decontrolled).		

These amendments decontrol the following defense-rental areas and portions of defense-rental areas on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the Act: Braidwood-Joliet, Illinois; Knob Noster-Sedalia, Missouri; Sidney, Nebraska, and Hawthorne, Nevada Defense-Rental Areas, and portions of the Camp Rucker, Alabama; Camp Polk, Louisiana, and Fort Leonard Wood, Missouri, Defense-Rental Areas.

[F. R. Doc. 53-7635; Filed, Aug. 27, 1953; 2:55 p. m.]

TITLE 43—PUBLIC LANDS:
INTERIOR

Chapter 1—Bureau of Land Management, Department of the Interior
Appendix—Public Land Orders
[Public Land Order 907]

OREGON

REVOKING EXECUTIVE ORDER NO. 8575 OF OCTOBER 22, 1940; CORRECTION
AUGUST 25, 1953.

Federal Register Document 53-6849, appearing on page 4619 of the issue for August 6, 1953, should bear the date of July 31, 1953.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.
[F. R. Doc. 53-7256; Filed, Aug. 28, 1953; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter 1—Fish and Wildlife Service, Department of the Interior
Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

MEANS BY WHICH GAME BIRDS MAY BE TAKEN; OPEN SEASON, BAG LIMITS AND POSSESSION

Basis and purposes. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755, 16 U. S. C. 704) authorizes and directs the Secretary

of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds to determine when, to what extent, and by what means, such birds, or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

On August 15, 1953, amendments were published in the FEDERAL REGISTER (18 F. R. 4891) prescribing daily bag and possession limits for certain migratory game birds and giving each State an opportunity to select specific open season dates within overall limits. After due consideration of all relevant material submitted pursuant to the notice of intention published May 19, 1953 (18 F. R. 3024), and the amendments of August 15, 1953 (18 F. R. 4891), and under authority of said statutory provision, the Migratory Bird Treaty Act Regulations are amended as follows:

1. Section 6.3 (b) (2) is amended by adding at the end thereof a sentence reading as follows: "Nothing in this section shall be construed to apply to propagating, scientific, or other operations in accordance with the terms of permits issued pursuant to this part."

2. The schedules designated as subparagraphs (1), (2), (3), and (4) of § 6.4 (e) are amended as follows:

a. Subparagraph (1) *Atlantic Flyway States* is amended to prescribe a season for rails and gallinules in Maine from October 9 to December 7.

b. Subparagraph (2) *Mississippi Flyway States* is amended to prescribe sea-

(6) Mississippi Flyway States.

MIGRATORY WATERFOWL AND COOT

Ducks	Geese	Coot	Woodcock	Wilson's Snipe or Jacksnipe
14 18	25 25	10 10	4 8	8 8
Daily bag limits.				
Possession limits.				
Seasons in:				
Alabama	Nov. 17-Jan. 10	Dec. 2-Jan. 10	Dec. 2-Jan. 10	Dec. 27-Jan. 10
Arkansas	Nov. 17-Jan. 10	Dec. 1-Jan. 9	Dec. 1-Jan. 9	Dec. 1-Dec. 15
Illinois ¹	Oct. 23-Dec. 16	Oct. 15-Nov. 23	Oct. 15-Nov. 23	Oct. 15-Oct. 29
Indiana	Oct. 23-Dec. 16	Oct. 15-Nov. 23	Oct. 15-Nov. 23	Oct. 8-Oct. 22
Iowa	Oct. 8-Dec. 1	Nov. 29-Dec. 31	Nov. 29-Dec. 31	Nov. 22-Dec. 4
Kentucky	Nov. 17-Jan. 10	Dec. 2-Jan. 10	Dec. 2-Jan. 10	Dec. 22-Jan. 5
Louisiana	Nov. 17-Jan. 10	Dec. 2-Jan. 10	Dec. 2-Jan. 10	Dec. 12-Jan. 4
Michigan	Oct. 1-Nov. 24	See footnote 4	See footnote 4	Oct. 1-Oct. 15
Minnesota	Oct. 3-Nov. 26	Oct. 1-Nov. 11	Oct. 3-Nov. 11	Oct. 3-Oct. 17
Mississippi	Nov. 17-Jan. 10	Dec. 10-Jan. 10	Dec. 10-Jan. 10	Dec. 27-Jan. 10
Missouri	Oct. 23-Dec. 16	Nov. 1-Nov. 15	Nov. 1-Nov. 15	Nov. 1-Oct. 15
Ohio ⁵	Oct. 19-Dec. 12	Nov. 1-Nov. 9	Nov. 1-Nov. 9	Oct. 1-Oct. 15
Tennessee	Nov. 17-Jan. 10	Nov. 26-Jan. 4	Nov. 26-Jan. 4	Dec. 21-Jan. 4
Wisconsin ⁶	Oct. 3-Nov. 26	Oct. 3-Nov. 11	Oct. 3-Nov. 11	Oct. 3-Oct. 17

¹ Bag or possession limit may include 1 wood duck only. The above limits do not include mergansers. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds, and for the hooded merganser 1 a day or in possession.

² Including in such limit not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

³ No open season for geese in that part of Alexander County, Ill., established as closed area by proclamation 2748 of Oct. 1, 1947 (12 F. R. 6521).

⁴ Woodcock: In three zones as defined by State law or orders or regulations of the Michigan Department of Conservation—in Zone 1, Oct. 1-Nov. 1; in Zone 2, Oct. 1-Nov. 9; and in Zone 3, Oct. 20-Nov. 9.

⁵ Ducks, geese, and coot: On Pymatuning Reservoir in Ashtabula County, Ohio, and one-quarter mile distant in any direction from said reservoir, Oct. 15-Dec. 12.

⁶ Wisconsin: On the first day of the season waterfowl, coot, jacksnipe, and woodcock hunting may not start before 1 p. m.

(7) Central Flyway States.

MIGRATORY WATERFOWL AND COOT

Ducks	Geese	Coot	Wilson's Snipe or Jacksnipe
15 110	235 235	10 10	8 8
Daily bag limits.			
Possession limits.			
Seasons in:			
Colorado ²	Oct. 20-Dec. 18	Oct. 20-Nov. 3	Oct. 20-Nov. 3
Kansas	Oct. 23-Dec. 21		
Montana ³	Oct. 10-Dec. 8		
Nebraska	Oct. 16-Dec. 14		
New Mexico	Oct. 31-Dec. 29		
North Dakota	Oct. 1-Nov. 29		
Oklahoma ⁴	Oct. 17-Dec. 15		
South Dakota	Oct. 2-Nov. 30		
Texas ⁵	Nov. 6-Jan. 4		
Wyoming ³	Oct. 10-Dec. 8		

¹ Wood duck: No open season in Colorado, Kansas, North Dakota, South Dakota, and Wyoming. In other States, bag or possession limit may include 1 wood duck only. The above limits do not include mergansers. Daily bag and possession limit for American and red-breasted mergansers 25 singly or in the aggregate of both kinds, and for the hooded merganser 1 a day or in possession.

² Including in such limit not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

³ Snow geese: No open season in Beaverhead, Gallatin, and Madison Counties in Montana, or in Colorado and Wyoming. No open season in Colorado on blue geese, or on Canada geese in Johnson and Sheridan Counties, Wyoming, or within the drainage of the Wind River between Diversion Dam and Boysen Dam in Wyoming.

⁴ Woodcock: Oklahoma, Nov. 6-Dec. 15; Texas, in the counties of Shelby, Nacogdoches, Angelina, Trinity, San Jacinto, Liberty, Chambers, and all counties south and east thereof, Dec. 12-Jan. 20; no open season in rest of Texas. Daily limit 4, possession limit 8.

⁵ Texas: Black-bellied tree duck, no open season.

(8) Pacific Flyway States.

MIGRATORY WATERFOWL (EXCEPT BRANT) AND COOT

Ducks	Geese (except Ross's Geese)	Coot	Wilson's Snipe or Jacksnipe
27 27	36 36	25 25	8 8
Daily bag limits.			
Possession limits.			
Seasons in:			
Arizona	Oct. 16-Nov. 18 and Dec. 8-Jan. 10	Oct. 16-Nov. 18 and Dec. 8-Jan. 10	Dec. 8-Dec. 24
California ¹	Oct. 16-Nov. 18 and Dec. 8-Jan. 10	Oct. 16-Nov. 18 and Dec. 8-Jan. 10	Oct. 16-Nov. 18 and Dec. 8-Jan. 10
Idaho ²	Oct. 10-Dec. 23	Oct. 10-Dec. 23	Oct. 10-Dec. 24
Nevada ³	Oct. 16-Dec. 30	Oct. 16-Dec. 30	Oct. 16-Dec. 30
Oregon	Oct. 17-Dec. 30	Oct. 17-Dec. 30	Oct. 17-Dec. 30
Utah	Oct. 17-Dec. 30	Oct. 17-Dec. 30	Oct. 17-Dec. 30
Washington	Oct. 17-Dec. 30	Oct. 17-Dec. 30	Oct. 17-Dec. 30
Alaska	Oct. 17-Dec. 30	Oct. 17-Dec. 30	Oct. 17-Dec. 30

¹ Brant: In California, Oregon, and Washington Dec. 1-Feb. 10. Daily bag and possession limit 3.

² In addition 4 a day or in possession of widgones or pintails or a mixed bag of these species. Wood duck: No open season in Arizona, Nevada, and Utah. In other Pacific Flyway States, bag or possession limit may include 1 wood duck only. The above limits do not include mergansers. Daily bag and possession limit for American and red-breasted mergansers 25 singly or in the aggregate of both kinds, and for the hooded merganser 1 a day or in possession.

³ Including in such limit not more than 3 birds of the dark species, as follows: the common Canada white-fronted tulle blue, and emperor geese.

⁴ Jacksnipe: On the first day of season hunting may not start before 12 o'clock noon.

⁵ Idaho: Snow geese, season open in Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, and Idaho Counties; in rest of State no open season. No open season on geese of any species in the following described area in Canyon County: Beginning at the junction of U. S. Highway 30 and State Highway 45 in the city of Nampa, thence westerly along U. S. Highway 30 to its junction with State Highway 20, thence westerly along the State Highway 20 to its junction with the Lake Lowell-Marsing road, thence southerly along the Lake Lowell-Marsing road to its junction with U. S. Highway 30, thence southerly along the Lake Lowell-Marsing road to its junction with U. S. Highway 45, thence northerly along State Highway 45 to its junction with U. S. Highway 30, the point of beginning.

⁶ Nevada: Oct. 16-Dec. 29 except that portion lying south and east of a line beginning at a point where Highway 91 intersects the Arizona-Nevada State line, thence following Highway 91 to Las Vegas, thence following Highway 95 to its intersection with the California-Nevada State line, where the season shall be Oct. 16-Nov. 18 and Dec. 8-Jan. 10.

⁷ See footnote 6 under subparagraph (4) Pacific Flyway States.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interpret or apply E. O. 10250, June 5, 1951, 16 F. R. 5385; 3 CFR, 1951 Supp.)

These amendments prescribe (1) a September 16 opening date for hunting in open coastal waters beyond outer harbor lines, which is a relaxation of existing regulations and therefore does not require an advance notice of 30 days, and (2) seasons relating to other migratory game birds opening October 1 or later

Dated: August 21, 1953.

RALPH A. TUDOR,

Acting Secretary of the Interior.

[F. R. Doc. 53-7500; Filed, Aug. 28, 1953; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 997]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 115 and Order No. 97 regulating the handling of filberts grown in Oregon and Washington (7 CFR, 1952 Rev., Part 997), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after date of publication of this notice in the *FEDERAL REGISTER*, except that, if said tenth day after publication should fall on a holiday, Saturday, or Sunday, such submission may be received by the Director not later than the close of business on the next following work day.

Upon the basis of estimates submitted by the Filbert Control Board, the administrative agency operating under the aforesaid agreement and order, and other information available to the Department, it is proposed that the salable percentage of merchantable inshell filberts for the fiscal year beginning August 1, 1953, be fixed at 90 percent and the surplus percentage at 10 percent.

Following is a summary of the estimated supply and demand situation for merchantable inshell filberts for the fiscal year beginning August 1, 1953, based on estimates submitted by the Filbert Control Board, and on other information available to the Department: (1) Merchantable production from the 1953 crop, 11,220,000 pounds; (2) handler carryover, August 1, 1953 (not certified for shipment), 1,587,300 pounds; (3) Total merchantable filberts subject to salable and surplus percentages for fiscal year beginning August 1, 1953, 12,807,300 pounds (item 1 plus item 2); (4) trade demand, 11,533,500 pounds; (5) salable percentage, 90 percent (item 4 - item 3); (6) surplus percentage, 10 percent, (100 - item 5).

On the basis of the aforesaid proposed salable and surplus percentages, the withholding percentage, which is the ratio of the surplus percentage to the salable percentage, would be 11 percent,

when adjusted to the nearest whole number.

On the basis of information available to the Department, it is hereby found and determined that the estimated average price of filberts to growers for the fiscal year beginning August 1, 1953, will not exceed the level of prices contemplated in section 2 (1) of the act.

Therefore, the proposed administrative rule is as follows:

§ 997.203 *Salable, surplus, and withholding percentages for merchantable inshell filberts.* For the fiscal year beginning August 1, 1953, the salable percentage of merchantable inshell filberts shall be 90 percent, the surplus percentage shall be 10 percent, and the withholding percentage shall be 11 percent.

Issued at Washington, D. C., this 26th day of August 1953.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 53-7599; Filed, Aug. 28, 1953;
8:54 a. m.]

[P. & S. Docket No. 457]

MARKET AGENCIES OPERATING AT NORTH SALT LAKE UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on August 18, 1953, authorizing the respondents to continue assessing to and including September 14, 1955, the schedule of rates and charges authorized by an order issued on September 9, 1952 (11 A. D. 762). Notice of the petition requesting the rates and charges authorized by the latter order was published in the *FEDERAL REGISTER* on August 16, 1952 (17 F. R. 7498), and, although interested persons were afforded an opportunity to be heard in the matter, no interested person notified the Hearing Clerk of a desire to be heard. The schedule of rates and charges which respondents were authorized to assess prior to the schedule authorized by the order of September 9, 1952, are set forth in an order dated October 21, 1948 (7 A. D. 947). By various orders issued subsequent to the order of October 21, 1948, the schedule of rates and charges authorized by that order was continued in effect until the issuance of the order of September 9, 1952, which first authorized the assessment of the current rates and charges. During 1951, Whit Levanger, owner of the Salt Lake Livestock Auction Co., one of the respondents, filed a schedule setting forth certain rates and charges for sales of livestock by auction which were different from the rates and charges authorized for the other respondents. While no order heretofore issued in this proceeding has specifically covered rates and charges for sales by auction, it has been

erroneously assumed that the orders issued subsequent to the filing of such schedule in 1951 have authorized the rates and charges set forth therein for sales by auction.

By a petition filed on August 25, 1953, respondent Whit Levanger, owner of the Salt Lake Livestock Auction Co., filed a petition requesting that the schedule of rates and charges for sales by auction, referred to above, be continued in effect "on a two year basis." The rates and charges contained in such schedule are as follows:

SECTION I

CATTLE

	Per head
Calves:	
Weighing 450 pounds and under	\$0.75
Cattle:	
Weighing 451 pounds or more	1.25
Bulls (over 450 pounds)	2.00

SECTION II

HORSES

	Per head
Commission for selling horses and mules	\$2.50

(All horses and mule sales to include halters, furnished at a price of \$0.50 cents per head, in addition to the commission charge.)

A charge of \$1 per head, plus \$0.60 cents for feed, shall be made on all horses and mules passing through the Auction and offered for sale, where the animal is bid in by the owner.

SECTION III

SWINE

	Per head
Pigs:	
Consignments on one head	\$0.30
Consignments of more than one head: 1 to 40 head, inclusive	.20
Each head over 40	.05
Hogs:	
Consignments of one head	.40
Consignments of more than one head: 1 to 40 head, inclusive	.25
Each head over 40	.15
Straight carload—single owner-ship:	Per car
Single deck	\$14.00
Double deck	20.00

SECTION IV

SHEEP

	Per head
Consignments of one head	\$0.35
Consignments of more than one head:	
For the first 10 in each 300 head	.25
For the next 50 in each 300 head	.15
For the next 60 in each 300 head	.06
For the next 130 in each 300 head	.03
For the next 50 in each 300 head	.01
Straight carload—single owner-ship:	Per car
Single deck	\$12.00
Double deck	17.00

SECTION V

CLEARING SERVICES

Cattle	\$20.00 per car.
Sheep, goats, and swine	\$20.00 per DD car
Sheep, goats, and swine	\$15.00 per SD car.
Horses	\$2.50 per head.

SECTION VI

BUYING ON COMMISSION

Cattle	\$0.10 per cwt.
Sheep, goats, and swine	\$20.00 per car.
Horses and mules	\$2.50 per head.

SECTION VII

When consigned livestock is sold to a buyer who issues drafts or checks or in any way delays in the payment for same a period over 24 hours, a service charge of one-tenth ($\frac{1}{10}$) of one-percent (1%) of the total amount of unpaid accounts will be assessed the buyer. Our intentions are to operate a weekly sale on Friday.

It appears that this public notice should be given of the petition in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 10 days from the date of publication of this notice.

Done at Washington, D. C., this 27th day of August 1953.

[SEAL]

AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 53-7628; Filed, Aug. 27, 1953;
12:34 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

TREATMENT OF COMPENSATION IN FORM OF STOCK OPTIONS GRANTED BY COR- PORATIONS TO THEIR OFFICERS AND EMPLOYEES

NOTICE OF PROPOSED RULE MAKING

On February 25, 1953, the Commission announced, in Securities Exchange Act of 1934 Release No. 4803-X, that it had under consideration the adoption of a proposed rule concerning treatment of compensation in the form of stock options granted by corporations to their officers and employees. All interested persons were invited to submit views and comments on the proposal.

The rule was proposed because of the apparent lack of unanimity of opinion among corporate and public accountants as to the appropriate manner in which the amounts, if any, to be charged against income representing compensation to recipients of stock options should be determined. The principal point of disagreement was the time at which the determination should be made. Persuasive arguments were advanced for each of three dates, i. e., when the options were (1) granted, (2) exercisable, or (3) exercised.

The Commission has considered the comments and suggestions received and is of the opinion that the propriety of using any one of these dates in all cases has not been established, and that determination of, and accounting for, cost to the grantor based upon the excess of fair value of the optioned shares over the option price at any one of the three dates advocated might, in some cases, result in the presentation of misleading profit and loss or income statements.

In these circumstances the Commission deems it inappropriate to prescribe a procedure for determining the amount of cost, if any, of these stock options to be reflected in profit and loss or income statements filed with the Commission. However, in order that investors may be apprised of the monetary significance of the concessions made by registrants to officers and employees through the granting of stock options, the Commission proposes to adopt a rule to be added to Regulation SX (17 CFR Part 210), and to be designated § 210.3-20 (d) (Rule 3-20 (d)), which will require full and complete disclosure of all stock option arrangements in financial statements filed with the Commission.

The text of the rule, which it is proposed to adopt pursuant to authority conferred upon the Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, par-

ticularly sections 12, 13, 15 (d) and 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly section 20 thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (c) and 38 (a) thereof, is as follows:

§ 210.3-20 *General notes to profit and loss statements.* * * *

(d) *Capital stock optioned to officers and employees.* (1) A brief description of the terms of each option arrangement shall be given, including (i) the title and amount of securities subject to option; (ii) the date or dates upon which the options were granted; and (iii) the date or dates upon which the optionees became entitled to exercise the options.

(2) State per share and in total (i) with respect to the shares subject to option at the balance sheet date, the option price, and the fair value at the dates the options were granted; (ii) with respect to shares as to which options became exercisable during the period, the option price, and the fair value at the dates the options became exercisable; and (iii) with respect to the shares as to which options were exercised during the period, the option price and the fair value at the dates the options were exercised.

(3) State the basis of accounting for such option arrangements and the amount of charges, if any, reflected in income with respect thereto.

All interested persons are hereby invited to submit views and comments on the proposed rule addressed to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before September 21, 1953.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

AUGUST 25, 1953.

[F. R. Doc. 53-7578; Filed, Aug. 28, 1953;
8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Announcement 15]

EAST-COLUMBIA BASIN IRRIGATION DIS- TRICT, COLUMBIA BASIN PROJECT, WASH- INGTON

SALE OF PART-TIME FARM UNITS

AUGUST 11, 1953.

LANDS COVERED

SEC. 1. *Offer of part-time farm units for sale.* It is hereby announced that certain part-time farm units in the East Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase part-time farm units may be submitted beginning at 2:00 p. m., August 25, 1953.

The part-time farm units to which this announcement pertains are described as follows:

a. *Part-time Farm Units in Irrigation Block 49, Columbia Basin Project, Adams County, Washington, available to Veterans.*

Part-time farm unit No.	Total acreage	Tentative irrigable acreage	Price
188.....	2.7	2.3	\$200
189.....	2.8	2.3	200
191.....	2.9	2.3	200
192.....	2.7	2.2	200
194.....	2.9	2.5	200
195.....	5.0	3.2	250
196.....	1.3	1.0	175
197.....	1.4	1.1	175
199.....	1.4	1.1	175
200.....	1.3	1.1	175
201.....	2.1	1.6	175

b. *Part-time Farm Units in Irrigation Block 49, Columbia Basin Project,*

Adams County, Washington, available to Applicants Not Entitled to Veterans Preference.

Part-time farm unit No.	Total acreage	Tentative irrigable acreage	Price
187.....	3.4	1.9	\$250
190.....	2.9	2.5	200
193.....	3.5	2.5	200
198.....	1.4	1.0	175

The official plat of Irrigation Block 49 is on file in the office of the County Auditor, Adams County, Ritzville, Washington, and copies are on file in the office of the Bureau of Reclamation at Ephrata, Washington, and the regional office at Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* With certain minor exceptions, not more than one full-time or part-time farm unit in the entire proj-

ect may be held by any one owner or family. A family is defined as comprising husband and wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCES OF APPLICANTS

SEC. 3. Preference right of veterans. A preference right to purchase the part-time farm units described in subsection 1. a. above, representing 75 percent of the total number of units offered for sale by this announcement, will be given to veterans (and in some cases to their husbands or wives or minor children) who submit applications during a 45-day period beginning at 2 p. m., August 25, 1953, and ending at 2 p. m., October 9, 1953, and who at the time of making application are within one of the five following classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940 and July 3, 1952 inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in said Army, Navy, Marine Corps, Air Force, or Coast Guard during the period prescribed in subsection a. above, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 8 of this announcement regarding provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death resulted from wounds received or disability incurred in the line of duty while serving in said Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. above, or, in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. Definition of honorable discharge. An honorable discharge means: a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component, or retirement. Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

SEC. 5. Preference rights of persons not establishing veterans preference. A preference right to purchase the part-time farm units described in subsection 1. b. above, representing 25 percent of the total number of units offered for sale by this announcement, will be given to persons who do not claim veterans preference and who file applications during a 45-day period beginning at 2:00 p. m., August 25, 1953 and ending at 2:00 p. m., October 9, 1953.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 6. Examining board. An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of part-time farm units on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application, and cancellation of the applicant's right to purchase a part-time farm unit.

SEC. 7. Minimum qualifications. Certain minimum qualifications have been established which are considered necessary for the successful development of part-time farm units. Applicants must meet these qualifications in order to be eligible for the purchase of part-time farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. **Character and industry.** An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, and a record of good moral conduct.

b. **Capital.** An applicant must possess at least \$1,500 in excess of liabilities. Assets included in this net worth must consist of cash or property or assets readily convertible into cash. In considering the value of property convertible into cash, values represented by household goods or passenger cars will not be recognized by the board unless the applicant states that he will convert such property into cash.

SEC. 8. Other qualifications required. Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, an established farm unit or part-time farm unit on the Columbia Basin Project, Washington, and not own a total acreage of irrigable land in any Federal reclamation project which, together with the irrigable acre-

age of the part-time farm unit to be purchased, exceeds 160 acres at the time of execution of a contract for the purchase of a part-time farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 9. Filing application. Any person desiring to purchase a part-time farm unit offered for sale by this announcement must fill out the attached application form and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application forms may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937, Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application and the corroborating evidence to be submitted following the public drawing will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 10. Priority of applications. All applications will be classified for priority purposes as follows:

a. **First priority group.** All complete applications filed prior to 2:00 p. m., October 9, 1953, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. **Second priority group.** All complete applications filed prior to 2:00 p. m., October 9, 1953, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. **Third group.** All complete applications filed after 2:00 p. m., October 9, 1953. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 11. Public drawings. After the priority classification, the board will conduct public drawings of the names of the applicants in each of the first two priority groups as defined in section 10 of this announcement. Applicants need not be present at the drawings to participate therein. The names of the applicants shall be drawn and numbered consecutively as drawn for the purpose of establishing the order in which the applications will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawings, the board shall notify each applicant of his respective standing as a result of the drawings.

SEC. 12. Submission of corroborating evidence. After the drawings, a sufficient number of applicants, in the order

of their priority as established by the drawings, will be supplied with forms on which to submit additional information corroborating their statements made in the application blank, and showing that they meet the qualifications set forth in sections 7 and 8 of this announcement. In case veterans preference is claimed, they will be required to submit proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time specified will subject his application to rejection.

SEC. 13. Examination and interview. After the information outlined in section 12 of this announcement has been received or the time for submitting such statements has expired, the board shall examine, in the order drawn, a sufficient number of applications, together with the corroborating evidence submitted to determine the applicants who will be permitted to purchase part-time farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a part-time farm unit; and (c) affording the applicant an opportunity to examine the part-time farm units.

If any applicant fails to appear before the board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawings.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such

applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the part-time farm units available then for purchase. Such notice will require the applicant to make a field examination of the part-time farm units available to him and in which he is interested, to select a farm unit, and to notify the board of such selection within the time specified in the notice.

SELECTION OF PART-TIME FARM UNITS

SEC. 14. Order of selection. The applicants who have been notified of their qualification for the purchase of a part-time farm unit will successively exercise the right to select a part-time farm unit in accordance with the priorities established in the two priority groups by the drawings. If a part-time farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase contract, it will be offered to the next qualified applicant in the same priority group who has not made a selection at the time the part-time farm unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the part-time farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any part-time farm units that are available to either of the priority groups remain unselected after all qualified applicants in that group have had an opportunity to select, such units shall be made available to qualified applicants remaining in the other priority group.

Any part-time farm units remaining unselected after all qualified applicants in both priority groups have had an opportunity to select a part-time farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination by the board, made in accordance with the procedure prescribed for priority group applicants, that such applicants meet the minimum qualifications prescribed by this announcement.

If any part-time farm units offered by this announcement remain unselected for a period of two years following the date of this announcement, the District Manager, Columbia River District, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 11 of this announcement.

SEC. 15. Failure to select. If any applicant refuses to select a part-time farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 16. Execution of purchase contract. When a part-time farm unit is selected by an applicant as provided in section 14 of this announcement, the District Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice, the District Manager will also inform the applicant of the amount of the irrigation charges assessed by the East Columbia Basin Irrigation District or, if such charges have not been assessed, of an estimate of the amount of the charges for the first year of the development period, to be deposited with the District Manager. (See section 19 of this announcement.)

If the purchase is made subsequent to April 1 of any year during the development period, a deposit will be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 17. Terms of sale. Contracts for the sale of part-time farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of \$100 to apply on the purchase price of the part-time farm unit as indicated in section 1 of this announcement will be required. Larger proportions or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder shall be payable within a period of 10 years following the date of the contract. The schedule of payments, which will be established by the District Manager, will provide for equal, annual payments to retire the principal with interest at 3 percent per annum. Payment of any or all installments, or any portion thereof, may be made without penalty before their due dates at the purchaser's option.

c. *Special irrigation water distribution system.* The construction of any Special Irrigation Water Distribution System between the points of water delivery for part-time farm unit areas and each part-time farm unit in those areas, shall be the responsibility of the purchasers of the part-time farm units and the cost shall be borne by them. The term "part-time farm unit area" means the area embracing one or more part-time farm units which are to be served by a single special irrigation water distribution system.

The Special Irrigation Water Distribution System shall be operated and maintained by the collective action of purchasers within the part-time farm unit area served by that system. This shall be done through an organization acceptable to the board of directors of the East Columbia Basin Irrigation District and having authority to order and apportion, among the part-time farm units eligible to receive water, the water to be delivered and to collect as a mini-

mum, the necessary costs of the operation and maintenance of the special irrigation water distribution system.

d. **Building requirements.** A primary objective of the United States in its part-time farm unit program is to bring about early development by the establishment of suitable dwellings on all units. To attain this objective, a purchaser shall be required to furnish evidence of substantial completion of a dwelling on the part-time farm unit within 18 months of the date of the sales contract or commencement on the part-time farm unit within that period of a dwelling which will be substantially completed within two and a half years from the date of the contract. If the dwelling is only started within the above said 18-month period, the District Manager may require assurance in writing from a reputable person or agency that the construction of a dwelling on the part-time farm unit to be substantially completed within the required time will be financed. If title to the part-time farm unit is desired before the dwelling is substantially completed, this assurance of financing will be required. The United States will, if necessary, place the deed to the purchaser in escrow with an agent mutually agreeable to the parties to the contract upon condition that the deed be released to the purchaser or a person designated by the purchaser upon commencement of the construction of said dwelling. In extraordinary situations, the requirements concerning the completion date of the dwelling may be extended by the District Manager pursuant to his determination that such extension would be in the interest of the orderly development of the block, but in no case shall more than two extensions be made, neither of which shall exceed six months in length.

Dwellings, to meet the approval of the District Manager, shall be of long-lived materials, suitable for year-round occupancy and of attractive appearance. Unless these requirements are waived by the District Manager, dwellings shall be provided with domestic water piped in under pressure and sewage disposal facilities that meet the standards established by the Washington State Department of Health.

Sec. 18. **Copies of contract form.** The terms listed above, and all other standard contract provisions are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

Sec. 19. **Development period charges.** Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the East Columbia Basin Irrigation District, the Secretary of the Interior will announce a development period of ten years for Irrigation Block 49, during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1954. During the development period, water rental charges for these part-time farm units will average an estimated \$5.50 per irrigable acre per year. This figure is preliminary and

subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, irrigation charges will be assessed each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year, by the Regional Director, who has the responsibility for fixing these charges. The present plans of the Regional Director are these:

a. It will be the policy of the United States to deliver water to each part-time farm unit area at one point.

b. An allotment of water will be determined for each part-time farm unit area receiving service through one turnout on the basis of the acreage of land in each water duty class in the area.

c. Charges will be fixed with the object each year of collecting the average estimated cost of operation and maintenance per irrigable acre multiplied by some factor determined to represent the additional costs resulting from the small size of part-time units.

In addition to the water rental charges, the Irrigation District will levy a charge to cover administrative costs and probable delinquencies in collections.

Sec. 20. **Construction period repayment charges.**—a. *Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine.

b. *Construction charges.* The contract between the United States and the East Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be \$2.12 per year. Thus, the total construction charge payment will average \$85 per irrigable acre. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,

Assistant Secretary of the Interior.

[F. R. Doc. 53-7566; Filed, Aug. 28, 1953; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5773 et al.]

BONANZA AIR LINES CERTIFICATE
RENEWAL CASE

NOTICE OF HEARING

In the matter of the proceeding known as the Bonanza Air Lines Certificate Renewal Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 30, 1953, at 10:00 a. m., P. s. t., in the City Council Chambers, City Hall, Fifth and Stewart Streets, Las Vegas, Nevada, before Examined Walter W. Bryan, and is to be recessed for further hearing on October, 27, 1953, at Washington, D. C.

Without limiting the scope of the issues presented by the applications consolidated and the Board's orders entered in the proceeding, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the alteration, amendment, or modification of the present temporary certificate of Bonanza Air Lines, Inc., for route No. 105 and of Western Air Lines' certificate to the extent necessary to remove temporarily or permanently from said certificate the authority to serve Yuma, Ariz., and El Centro, Calif.

2. Whether the public convenience and necessity require, and should the Board order:

(a) An amendment of Bonanza's certificate to provide air service between (1) Las Vegas and Los Angeles via the intermediate points Inyokern and/or Bakersfield, Calif.; (2) Phoenix and Los Angeles via Blythe, Indio, Riverside, and Ontario, Calif.; (3) Las Vegas and San Diego via Indio, Calif.; and (4) Reno and San Francisco via Stockton and Oakland, Calif. (Docket No. 5987).

(b) An amendment of Southwest Airways Company's (Southwest) certificate for the same route and points as presently authorized to Bonanza in its certificate for route No. 105 and contained in Docket No. 5773, and a further amendment to Southwest's certificate to include substantially the same points and routes as involved in Bonanza's application as described in paragraph 2 (a) above (Docket Nos. 6008 and 6014).

(c) A certificate be issued to California Central Airlines and Airline Transport Carriers, Inc., authorizing air transportation between Reno and San Francisco via Oakland (Docket Nos. 3399 and 4482).

(d) The air transportation proposed in the application of the Board of Commissioners of Nye County, Nevada, involving air service to Gabbs, Nevada, the City of Fallon, Nevada, and Apple Valley, Calif.

3. Are the above applicants fit, willing, and able to provide the air transportation proposed?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, petitions, motions, and orders entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before September 30, 1953, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., August 26, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 53-7585; Filed, Aug. 28, 1953;
8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9050, 10650]

CALIFORNIA INLAND BROADCASTING CO.,
AND KARM, THE GEORGE HARM STATION

ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING ON STATED ISSUES

In re applications of California Inland Broadcasting Co., Fresno, California, Docket No. 9050, File No. BPCT-413; KARM, the George Harm Station, Fresno, California, Docket No. 10650, File No. BPCT-1061; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of August 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Fresno, California; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated September 10, 1952, July 17, 1953, and August 12, 1953, that their applications were mutually exclusive; that a hearing would be necessary, that certain questions were raised as a result of deficiencies of a financial and technical nature in their applications; and that KARM, The George Harm Station, was also advised by the letters of July 17, 1953, and August 12, 1953, that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that California Inland Broadcasting Co., is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that KARM, The George Harm Station, is legally and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on September 21, 1953, in Washington, D. C., upon the following issues:

1. To determine whether KARM, The George Harm Station, is financially qualified to construct, own and operate its proposed television broadcast station.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

Released: August 25, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7589; Filed, Aug. 28, 1953;
8:52 a. m.]

[Docket No. 10097]

ONEIDA BROADCASTING CO. (WOBT)

ORDER CONTINUING HEARING

In re application of Oneida Broadcasting Company (WOBT) Rhinelander, Wisconsin, Docket No. 10097, File No. BP-8068; for construction permit.

Having under consideration a motion filed by Oneida Broadcasting Company on August 21, 1953, requesting a continuance of the hearing;

It appearing that the hearing in this proceeding is now scheduled to commence on Monday, August 31, 1953; and

It further appearing that the applicant, through its newly employed engineers, is endeavoring to locate another frequency and a transmitter site which, if found, would possibly eliminate the necessity for a hearing on the application; and

It further appearing that the Broadcast Bureau has informally given its consent to a continuance;

It is ordered, This 24th day of August 1953, that the motion of Oneida Broadcasting Company is granted and the hearing is continued to 10:00 a. m., September 23, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7590; Filed, Aug. 28, 1953;
8:52 a. m.]

[Docket Nos. 10199, 10204]

ARCTIC TELEPHONE & TELEGRAPH CO. AND
AERONAUTICAL RADIO, INC.

ORDER CONTINUING HEARING

In re applications of Arctic Telephone & Telegraph Company, Docket No.

10199, File No. 8107-A3-P-F; for construction permit for an aeronautical and aeronautical fixed station to be located at the International Airport, Spenard, Alaska; and Aeronautical Radio, Inc., Docket No. 10204, File No. 14572-A3-P-G; for construction permit to relocate aeronautical and aeronautical fixed stations KWH2/KWC99 from Elmendorf Field to the existing transmitter site of station KWD6/KWC65, and add remote control points.

The Commission having under consideration a motion filed by the Acting Chief, Safety and Special Radio Services Bureau, in the above-designated matter requesting that the application of Arctic Telephone & Telegraph Company, Docket No. 10199, be dismissed with prejudice and that the proceeding in these dockets scheduled for hearing at Portland, Oregon, on August 27, 1953, be continued to an indefinite date in Washington, D. C.

It appearing, that on August 20, 1953, the Commission received a letter from Arctic Telephone & Telegraph Company stating that it abandons its application for the above-designated facility and that it defaults and will not appear at the scheduled hearing; and

It further appearing, that the default of Arctic Telephone & Telegraph Company still leaves unresolved certain issues specified in the hearing Order with respect to the application of Aeronautical Radio, Inc. in Docket 10204; and

It further appearing, that the hearing in this proceeding was set in Portland, Oregon, to accommodate Arctic Telephone & Telegraph Company and its witnesses; and

It further appearing, that the letter of Arctic Telephone & Telegraph Company announcing its default appears to be in the nature of a request for dismissal of its application, but does not comply with the requirements of § 1.366 of the Commission's rules relating to dismissals of applications without prejudice, and in all events fails to show good cause for such a dismissal:

It is ordered, This 21st day of August 1953, that the above-designated application of Arctic Telephone & Telegraph Company, Docket No. 10199, is hereby dismissed with prejudice; and

It is further ordered, That the hearing heretofore scheduled in this proceeding for August 27, 1953, is hereby continued to an indefinite date in Washington, D. C.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7591; Filed, Aug. 28, 1953;
8:53 a. m.]

[Docket Nos. 10652, 10653, 10654]

INDIANA BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of the application of Indiana Bell Telephone Company, Docket No. 10652, File No. P-C-3284; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and

property of the Forest Telephone Company; Indiana Bell Telephone Company, Docket No. 10653, File No. P-C-3285; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and property of the Gaston Home Telephone Company; Indiana Bell Telephone Company, Docket No. 10654, File No. P-C-3286; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and property of the Michigantown Co-operative Telephone Company.

The Commission having under consideration applications filed by the Indiana Bell Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Indiana Bell Telephone Company of certain telephone plant and property of the Forest Telephone Company located in and around Forest, Clinton County, Indiana, of certain telephone plant and property of the Gaston Home Telephone Company located in and around Gaston, Delaware County, Indiana, and of certain telephone plant and property of the Michigantown Co-operative Telephone Company located in and around Michigantown, Clinton County, Indiana, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 24th day of August 1953, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing in a consolidated proceeding for the purpose of determining whether each of the proposed acquisitions will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That hearing upon said applications be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 17th day of September 1953, and that a copy of this order shall be served upon the Governor of the State of Indiana, the Public Service Commission of Indiana, Indiana Bell Telephone Company, Forest Telephone Company, Gaston Home Telephone Company, Michigantown Co-operative Telephone Company, and the Postmasters of Forest, Gaston and Michigantown, Indiana;

It is further ordered, That within five days after receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the communities of Forest, Gaston and Michigantown, Indiana, and in the Counties of Clinton and Delaware, Indiana, and shall furnish proof of such publication at the hearing herein.

Released: August 25, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7592; Filed, Aug. 28, 1953;
8:53 a. m.]

[Change List No. 520]

U. S. STANDARD BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

AUGUST 19, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

This notification consists of a list of changes, proposed changes, and corrections in Assignments of United States Standard Broadcast Stations modifying the Appendix containing assignments of United States Standard Broadcast Stations, Mimeograph No. 48126, attached to the "Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941" as amended.

UNITED STATES

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Date of FCC action	Proposed date of change or commencement of operation
KGBS...	Harlingen, Tex. (delete assignment—operation to continue on 1240 kc).	850 kilocycles					
KWRF...	Warren, Ark.....	800 kilocycles 0.25	ND	D	II		Now in operation.
KREM...	Spokane, Wash. (increase in daytime power from 1 kw).	970 kilocycles 1N/5D	DA-N	U	III-B	Aug. 19, 1953	Aug. 19, 1954.
	New Seminole, Tex.....	1250 kilocycles 1	ND	D	III	do.....	Do.
WHWD...	Hollywood, Fla. (correction of error in change List No. 519).	1320 kilocycles					
NEW....	Cleveland, Tex.....	1410 kilocycles 0.5	DA-2	U	III-B	do.....	Do.
WPFP...	Park Falls, Wis.....	1450 kilocycles 0.1	ND	U	IV		Now in operation.
NEW....	Camilla, Ga.....	1540 kilocycles 0.25	ND	D	II	Aug. 19, 1953	Aug. 19, 1954.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-7593; Filed, Aug. 28, 1953; 8:53 a. m.]

MUTUALLY EXCLUSIVE TELEVISION BROADCAST APPLICATIONS

LIST OF CITIES GROUPED IN ACCORDANCE WITH PRIORITIES ESTABLISHED IN REVISED TEMPORARY PROCESSING PROCEDURE

AUGUST 24, 1953.

In a report and order issued July 17, 1953, the Commission revised its procedure for processing and designating for hearing applications for new television stations (FCC 53-889). In that report and order, the Commission provided, by amendment of its rules (Footnote 10, § 1.371), that noncompeting applications for new television stations would be processed in their order of filing. It was also provided that competing applications for new television stations would be divided into two new categories:

(a) Those in communities which have no television station in operation (i. e. stations for which the Commission has issued a license for regular commercial operation, an STA for regular commercial operation, or authority to conduct program tests).

(b) Those in communities which have one or more operating stations (subdivided into groups determined by the number of operating stations).

Cities in the two groups will be listed in the order of population and processing will involve alternate handling of applications in each group—all applications

for the first city in Group A, all applications for the first city in Group B, etc.

The Commission stated that it would publish, on the effective date of the rules, August 24, 1953, a list of cities reflecting the revised priorities in accordance with the amended rules and that at bi-monthly intervals thereafter the list of cities would be revised to reflect changes. Attached hereto is the list of cities prepared in accordance with these rules. In preparing the list the following considerations have been applied:

(a) Where a community listed in the Table of Assignments consists of two or more hyphenated cities, an operating station in one of said cities is considered to be an operating station in all of them.

(b) Where an operating station exists in an unlisted community located within 15 miles of a community listed in the Table of Assignments, such station will not be considered as operating in the listed community.

The above report and order establishing revised priorities governs the processing and designation for hearing of competing applications for television stations. Processing of mutually exclusive applications preparatory to hearing commences with the transmittal to the applicants of prehearing letters based on a full study of the applicants' qualifications pursuant to section 309 (b) of the Communications Act. Applications will be processed and such letters will be sent

to the applicants in accordance with the priorities set forth in the rules as amended. The designation of such applications for hearing will follow the order in which such letters were sent, except as otherwise determined by the Commission. In view of the fact that some applications may require more time for processing than others, the actual date of designation for hearing may differ from the exact order of priorities as reflected by the attached list and those that follow.

Adopted: August 20, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] **WM. P. MASSING,**
Acting Secretary.

GROUP A

Asterisk (*) indicates that applications have been processed under prior list and that letters have been issued pursuant to section 309 (b) of Communications Act.

No.	City	Population
1	*Des Moines, Iowa	*177,965
2	*Hartford, Conn.	*177,397
3	*San Jose, Calif.	*95,280
4	*Waco, Tex.	*84,706
5	*Manchester, N. H.	*82,732
6	*Springfield, Ill.	*81,628
7	*Columbus, Ga.	*79,611
8	*Topeka, Kans.	*78,791
9	*Portland, Maine	*77,634
10	*Charleston, W. Va.	*73,501
11	*Augusta, Ga.	*71,508
12	Durham, N. C.	71,311
13	Stockton, Calif.	70,853
14	Waterloo, Iowa	65,186
15	Ogden, Utah	64,214
16	Lexington, Ky.	55,534
17	Pittsfield, Mass.	53,348
18	Bay City, Mich.	52,523
19	Orlando, Fla.	52,367
20	La Crosse, Wis.	47,535
21	Mansfield, Ohio	43,564
22	West Palm Beach, Fla.	43,162
23	Salem, Ore.	43,140
24	Lake Charles, La.	41,272
25	Tyler, Tex.	38,968
26	Joplin, Mo.	38,711
27	Cumberland, Md.	37,679
28	Biloxi, Miss.	37,425
29	Muskogee, Okla.	37,289
30	Spartanburg, S. C.	36,795
31	Hagerstown, Md.	36,260
32	Enid, Okla.	36,017
33	*Petersburg, Va.	35,054
34	Alexandria, La.	34,913
35	Fayetteville, N. C.	34,715
36	Ottumwa, Iowa	33,631
37	Lafayette, La.	33,541
38	Paducah, Ky.	32,828
39	Bristol, Tenn.-Va.	32,725
40	Reno, Nev.	32,497
41	Clarksburg, W. Va.	32,014
42	Albany, Ga.	31,155
43	Wausau, Wis.	30,414
44	Jackson, Tenn.	30,207
45	Daytona Beach, Fla.	30,187
46	Odessa, Tex.	29,405
47	Provo, Utah	28,937
48	Mason City, Iowa	27,980
49	Sharon, Pa.	26,454
50	Rapid City, S. D.	25,310
51	Jefferson City, Mo.	25,099
52	Las Vegas, Nev.	24,624
53	El Dorado, Ark.	23,076
54	Florence, S. C.	22,513
55	Cape Girardeau, Mo.	21,578
56	Goldsboro, N. C.	21,454
57	Hastings, Neb.	20,211
58	Anderson, S. C.	19,770
59	Beckley, W. Va.	19,397
60	Bogalusa, La.	17,798
61	Plattsburg, N. Y.	17,738
62	Modesto, Calif.	17,389
63	Big Spring, Tex.	17,286
64	Klamath Falls, Ore.	15,875
65	Clearwater, Fla.	15,581
66	Sunbury, Pa.	15,570
67	Merced, Calif.	15,278
68	Marinette, Wis.	14,178
69	Wenatchee, Wash.	13,072
70	El Centro, Calif.	12,590
71	Irwin, Pa.	4,228
72	Henderson, Nev.	3,643

¹ Dissenting opinion of Commissioner Hennock is filed as a part of the original document.

GROUP B

No.	City	Population	No. stations
1	St. Louis, Mo.	856,796	1
2	Milwaukee, Wis.	637,392	1
3	Houston, Tex.	596,163	1
4	New Orleans, La.	570,445	1
5	Seattle, Wash.	467,591	1
6	Indianapolis, Ind.	427,173	1
7	Memphis, Tenn.	396,000	1
8	Norfolk-Portsmouth-Newport News, Va.	335,910	1
9	Toledo, Ohio	303,616	1
10	Fort Worth, Tex.	278,778	1
11	Miami, Fla.	249,276	1
12	Providence, R. I.	248,674	1
13	Richmond, Va.	230,310	1
14	Jacksonville, Fla.	204,517	1
15	Tulsa, Okla.	182,740	1
16	Charlotte, N. C.	134,042	1
17	Phoenix, Ariz.	106,818	1
18	*Roanoke, Va.	91,921	1
19	Huntington, W. Va.	86,353	1
20	*Sioux City, Iowa	83,991	1
21	*Binghamton, N. Y.	80,674	1
22	Charleston, S. C.	70,174	1
23	Raleigh, N. C.	65,679	1
24	Asheville, N. C.	53,000	1
25	Green Bay, Wis.	52,735	1
26	Fort Smith, Ark.	47,942	1
27	Fargo, N. Dak.	38,256	1
28	Minneapolis-St. Paul, Minn.	833,067	2
29	Boston, Mass.	801,444	2
30	Pittsburgh, Pa.	676,895	2
31	Buffalo, Niagara Falls, N. Y.	671,004	2
32	San Antonio, Tex.	408,442	2
33	Omaha, Neb.	251,117	2
34	*Amarillo, Tex.	74,246	2
35	*Philadelphia, Pa.	2,071,605	3
36	*Detroit, Mich.	1,849,568	3
37	San Francisco-Oakland, Calif.	1,159,932	3
38	*Baltimore, Md.	949,708	3
39	*Cleveland, Ohio	914,808	3
40	*Cincinnati, Ohio	503,998	3
41	*Atlanta, Ga.	331,314	3
42	*Washington, D. C.	802,178	4
43	*New York, N. Y.	7,891,557	6
44	*Los Angeles, Calif.	1,970,358	7

[F. R. Doc. 53-7588; Filed, Aug. 28, 1953; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6238]

BURKE-DIVIDE ELECTRIC COOPERATIVE, INC.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

AUGUST 24, 1953.

Notice is hereby given that the Burke-Divide Electric Cooperative, Inc., has filed an application pursuant to section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for authority to increase the amount of electric energy previously authorized to be exported across the international boundary between the United States and Canada, near Noonan, North Dakota, to the Canadian Customs and Irrigation Offices, from 7,000 kilowatt hours per year at a rate not to exceed 10 kilowatts to 12,000 kilowatt hours per year, at a rate not to exceed 20 kilowatts. The requested authorization would supersede the authorization granted in the order of the Commission, issued April 19, 1950.

Any person desiring to be heard or to make any protest with reference to such application should, on or before September 8, 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] **J. H. GUTRIDE,**
Acting Secretary.

[F. R. Doc. 53-7567; Filed, Aug. 28, 1953; 8:47 a. m.]

[Docket Nos. E-6479, and E-6492]

LOWER VALLEY POWER AND LIGHT, INC.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION AND MERGER OR CONSOLIDATION OF FACILITIES

AUGUST 25, 1953.

Notice is hereby given that on August 21, 1953, the Federal Power Commission issued its order adopted August 19, 1953, authorizing and approving acquisition and merger or consolidation of facilities in the above-entitled matter.

[SEAL] **J. H. GUTRIDE,**
Acting Secretary.

[F. R. Doc. 53-7572; Filed, Aug. 28, 1953; 8:48 a. m.]

[Docket No. E-6508]

LOUISIANA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION AND MERGER OR CONSOLIDATION OF FACILITIES

AUGUST 25, 1953.

Notice is hereby given that on August 21, 1953, the Federal Power Commission issued its order adopted August 19, 1953, authorizing and approving acquisition and merger or consolidation of facilities in the above-entitled matter.

[SEAL] **J. H. GUTRIDE,**
Acting Secretary.

[F. R. Doc. 53-7573; Filed, Aug. 28, 1953; 8:48 a. m.]

[Docket No. G-2211]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

AUGUST 24, 1953.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at 416 West Third Street, Owensboro, Kentucky, filed, on July 13, 1953, as supplemented August 5, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities and the sale of natural gas for resale as hereinafter described.

Applicant proposes to construct and operate a metering station and appurtenant equipment on its main pipe-line system at a point near Calvert City, Marshall County, Kentucky, for the purpose of providing an additional delivery point for the sale of natural gas to Western Kentucky Gas Company (Western Kentucky). Applicant states that the gas delivered through the proposed facilities will be distributed in the Calvert City area and that Western Kentucky, through the installation of peak shaving facilities, will not require volumes of gas in addition to the present maximum of 8,000 Mcf a day which, Applicant states, it is authorized to deliver to Western Kentucky in the Paducah area of Kentucky.

Protests or petitions to intervene may be filed with the Federal Power Commission.

sion, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of September 1953. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7568; Filed, Aug. 28, 1953;
8:47 a. m.]

[Docket No. G-2223, G-2224]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF APPLICATIONS

AUGUST 24, 1953.

Take notice that Natural Gas Pipeline Company of America (Applicant), a Delaware corporation with its principal office in Chicago, Illinois, filed applications on August 7, 1953 and supplements thereto on August 17, 1953, with the Federal Power Commission pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing the construction and operation of the following facilities:

(a) Approximately 3.5 miles of 4-inch lateral loop pipeline upon Applicant's existing right-of-way of its existing 3-inch lateral pipeline (or immediately adjacent thereto) extending from Applicant's main transmission pipeline in La Salle County, Illinois, to a point of delivery to Illinois Power Company in the Northeast Quarter of Section 18, Township 33 North, Range 1, East, in La Salle County, Illinois, for the transportation and sale for resale of natural gas to Illinois Power Company for ultimate public distribution in the towns of La Salle, Peru, Spring Valley, Oglesby, Jonesville and environs in the State of Illinois.

(b) Approximately 6 miles of 4-inch lateral loop pipeline upon Applicant's existing right-of-way of its existing 2-inch lateral pipeline (or immediately adjacent thereto) extending from a connection on Applicant's 20-inch Wisconsin lateral pipeline to a point near the city limits of Rochelle, Illinois, together with necessary or requisite appurtenant facilities thereto, for the delivery of both flow and storage gas to Allied Gas Company at Rochelle, Illinois.

The facilities described in paragraph (a) above, have been docketed in the Commission's files as G-2223 and those in paragraph (b) above, as G-2224.

Applicant states that the proposed facilities described in paragraph (a) above, together with its existing 3-inch lateral line, will provide sufficient capacity to meet the estimated peak day requirements of Illinois Power Company at La Salle, Peru, Spring Valley, Oglesby, Jonesville and environs, all in the State of Illinois, beyond the peak day of 1957-1958; and that the facilities described in paragraph (b) above, together with its existing 2-inch lateral line will provide sufficient capacity to meet the estimated peak day requirements of Allied Gas Company for the next winter heating season.

No. 170—4

Applicant further states that it does not by these applications propose to increase the daily contract quantities of Allied Gas Company and Illinois Power Company in excess of that heretofore allocated to each of them.

Applicant anticipates that the facilities described in paragraphs (a) and (b) above, will cost \$63,400 and \$94,000, respectively, all of which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of September 1953. The applications are on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7569; Filed, Aug. 28, 1953;
8:47 a. m.]

[Docket No. G-2226]

HARTFORD GAS CO.

NOTICE OF APPLICATION

AUGUST 25, 1953.

Take notice that on August 13, 1953, The Hartford Gas Company (Applicant), a Connecticut corporation having its principal place of business at Hartford, Connecticut, filed an application for a temporary certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the operation of such of the facilities hereinafter described as may be subject to the requirements of the act and the jurisdiction of the Commission, pending determination of its application in Docket No. G-2226, filed August 12, 1953, for a permanent certificate of public convenience and necessity.

Applicant proposes to transport a mixture of natural and manufactured gas through its facilities located in the city of Hartford for the account of The Connecticut Gas Company (Connecticut Gas). A part of the gas so transported by Applicant for Connecticut Gas is for ultimate delivery and sale for resale by that latter company to The Connecticut Light and Power Company at Windsor and Rockville, Connecticut. Applicant also proposes to transport gas for Connecticut Gas from Applicant's Madison Avenue Holder Station to Applicant's Front Street Plant.

Applicant does not propose the construction of new facilities, but will rely on existing facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 12th day of September 1953. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7570; Filed, Aug. 28, 1953;
8:48 a. m.]

[Docket No. IT-5743]

SAN DIEGO GAS & ELECTRIC CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

AUGUST 24, 1953.

Notice is hereby given that San Diego Gas & Electric Company has filed an application pursuant to section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for authority to increase the amount of energy previously authorized to be exported across the international boundary between the United States and Mexico to M. P. Barbachano and Cia Electrica Fronteriza, S. A., from a point near San Ysidro, California, to a point on the international boundary adjacent to Tia Juana, Baja, California, Mexico, to an amount not to exceed 60,000,000 kilowatt hours per year at a rate not in excess of 14,000 kilowatts, and further asks the Commission to remove the time limitation of December 31, 1953 in the Commission's order of March 18, 1952.

The requested authorization would supersede the authorization granted in the order of the Commission, issued March 21, 1952.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 14, 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL]

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 53-7571; Filed, Aug. 28, 1953;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-829]

FLORSHEIM SHOE CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 25, 1953.

In the matter of the Florsheim Shoe Company, Class A Common Stock, No Par Value; File No. 1-829.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Class A Common Stock, No Par Value, of the Florsheim Shoe Company.

The application alleges that the reasons for striking this security from listing and registration on this exchange are:

(1) The International Shoe Company, by letter dated January 30, 1953, addressed to Messrs. Irving S. Florsheim and Harold M. Florsheim, Chairman of the Board and President respectively of the above issuer, and by letter dated February 9, 1953, addressed to the holders of the Class A Common Stock of the above issuer, made an offer to buy all of the outstanding Class A and Class B Common Stock of this company at \$30 per share for the Class A Common Stock

and \$15 per share for the Class B Common Stock, subject to the condition that holders of at least 85 percent of the number of shares of Class A Common Stock issued and outstanding accept this offer.

(2) Holders of over 90 percent of the outstanding Class A Common Stock and 100 percent of the Class B Common Stock accepted the above-described offer.

(3) As of June 29, 1953, of the 520,300 issued shares of Class A Common Stock, 104,568 shares were held by the above issuer as treasury stock, leaving 415,732 shares outstanding, and of this latter amount 411,686 shares were owned by International Shoe Company, leaving only 4,046 shares in the hands of others than International Shoe Company.

(4) No transactions in the above security have been effected on the applicant exchange since March 1953.

(5) Based on the price of \$30 per share, which is the mean of the closing bid and asked prices for the above security on applicant exchange, the indicated aggregate market value of the 4,046 shares outstanding in the hands of others than International Shoe Company is \$121,380.

(6) Further dealings on applicant exchange in the above security are inadvisable, in view of the small amount outstanding in the hands of the public after deducting concentrated holdings by International Shoe Company and in view of the inadequacy of the distribution of this security when considered in the light of the small indicated aggregate market value of that portion of the issue outstanding in the hands of others than International Shoe Company.

Upon receipt of a request, prior to September 17, 1953, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-7575; Filed, Aug. 28, 1953;
8:49 a. m.]

[File No. 31-599]

WILMORE COAL CO. AND REITZ COAL CO.

ORDER GRANTING EXEMPTION TO HOLDING COMPANIES AND THEIR SUBSIDIARIES

AUGUST 25, 1953.

The Wilmore Coal Company ("Wilmore"), a holding company, and Reitz

Coal Company ("Reitz"), also a holding company and a subsidiary of Wilmore, have filed an application and amendments thereto with this Commission pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting exemption on behalf of themselves and their subsidiaries, Rockingham Light, Heat and Power Company, a public utility company, and Central City Water Company, a non-utility company, both direct subsidiaries of Reitz, and Kentland Coal and Coke Company and Kentland-Elkhorn Coal Company, both subsidiaries of Wilmore. Approximately 74 percent of the outstanding capital stock of Wilmore is owned by Charles E. Dunlap and Guaranty Trust Company of New York, as Trustees under the will of Edward J. Berwind, deceased, and approximately 25 percent of such stock is owned by Charles E. Dunlap, individually.

Due notice of the filing of said application, as amended, having been given; a hearing not having been requested of, or ordered by, the Commission; the Commission having examined said application, as amended, and finding that the applicable standards of section 3 (a) (3) (A) of the act are satisfied:

It is ordered, That said application, as amended, be, and the same hereby is, granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-7577; Filed, Aug. 28, 1953;
8:49 a. m.]

[File No. 54-127]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS

AUGUST 25, 1953.

The Commission having heretofore approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Electric Bond and Share Company ("Bond and Share"), a registered holding company, providing, among other things, for a capital distribution of a portion of its holdings of the common stock of United Gas Corporation ("United Gas"); and

Bond and Share having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations under the act of the declaration of a dividend on the common stock of Bond and Share payable October 5, 1953, to stockholders of record on August 31, 1953, in shares of the common stock of United Gas at the rate of 17 shares of United Gas stock for each 100 shares of Bond and Share stock, which will require an aggregate of 892,560.8 shares of United Gas stock.

No fractional shares of United Gas stock will be delivered. In lieu thereof Bond and Share's dividend agent, Bankers Trust Company, will be instructed to sell on behalf of stockholders that number of shares of United Gas stock which would otherwise be delivered as fractional shares and to pay to the stockholders entitled thereto the gross proceeds to

be derived from such sales. Bond and Share will assume expenses of sales.

The Commission having notified Bond and Share that no declaration need be filed with respect to this matter; and

Bond and Share having requested that the Commission enter an order containing the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted:

It is ordered and recited, That the payment by Electric Bond and Share Company as a capital distribution to its stockholders of 892,560.8 shares of common stock of United Gas Corporation is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-7574; Filed, Aug. 28, 1953;
8:43 a. m.]

[File No. 70-3124]

STANDARD POWER AND LIGHT CORP.

ORDER PERMITTING ACQUISITION BY PARENT OF SECURITIES TO BE DISTRIBUTED BY SUBSIDIARY COMPANY UNDERGOING LIQUIDATION

AUGUST 25, 1953.

Standard Power and Light Corporation ("Power"), a registered holding company, having filed an application pursuant to the provisions of sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") in respect of a proposed transaction which is summarized as follows:

Power owns 1,160,000 shares of the common stock of Standard Gas and Electric Company ("Standard"), a registered holding company, which in turn owns all of the outstanding common stock of Philadelphia Company ("Philadelphia"), also a registered holding company. Power, Standard and Philadelphia have been ordered by this Commission to liquidate and dissolve. There are pending before the Commission plans filed by Standard, pursuant to section 11 (e) of the act, to effectuate compliance with the required liquidation of Standard and Philadelphia.

By order dated July 13, 1953, the Commission approved certain portions of amendments to said plans filed by Standard which provide, among other things, for the distribution by Philadelphia to Standard of 560,048 shares of common stock of Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia, and the distribution by Standard to its common stockholders, in partial liquidation, of 540,651.75 shares of Duquesne common stock on the basis of one-fourth (1/4) share of Duquesne

stock for each share of Standard stock owned.

The application by Power requests approval, forthwith, of the acquisition by it of its distributive share (290,000 shares) of the Duquesne common stock to be distributed by Standard.

Due notice of the filing by Power of the aforesaid application having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, forthwith, subject to the terms and conditions set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it is hereby, granted forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that the common stock of Duquesne acquired by Power pursuant to said application shall be held subject to the Commission's order dated June 19, 1942, requiring Power to liquidate and dissolve.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-7576; Filed, Aug. 28, 1953;
8:49 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request 22]

REQUEST TO ALBUQUERQUE PRODUCTION POOL, INC., TO OPERATE AS A SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Albuquerque Production Pool, Inc., to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between representatives of the Attorney General, representatives of the Chairman of the Federal Trade Commission, and representatives of the Small Defense Plants Administrator. The voluntary program in accordance with which the pool shall operate has been approved by the Director of the Office of Defense Mobilization and found to be in the public interest as contributing to the national defense.

REQUEST TO ALBUQUERQUE PRODUCTION POOL, INC.

I hereby approve your proposed voluntary program to operate as a small business production pool and find it to be in the public interest as contributing to the national defense.

In my opinion, the operations of your organization as a small business production pool will assist in the accomplishment of our national defense program.

Therefore, in accordance with the provisions of Section 708 of the Defense Production Act of 1950, as amended, you are hereby requested to operate as such a pool in the manner set forth in the approved voluntary program. While no obligation is imposed upon you, by virtue of this request, to operate as such a pool or to seek or obtain any Government contracts, if you wish to commence operations as a small business production pool you may do so upon notifying the Honorable Y. Brynildssen, Acting Administrator of the Small Defense Plants Administration, 1337 E Street, N. W., Washington 25, D. C., in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and representatives of the Small Defense Plants Administration, pursuant to Section 708 of the Defense Production Act of 1950, as amended.

Sincerely yours,

ARTHUR S. FLEMMING,

Director.

REQUEST TO COMPANIES

The voluntary program of Albuquerque Production Pool, Inc., to operate as a small business production pool has been found to be in the public interest as contributing to the national defense and has therefore been approved.

Inasmuch as your concern is included among the prospective members of the pool, in my opinion your participation in its operations will assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of Section 708 of the Defense Production Act of 1950, as amended, you are hereby requested to participate in the operations of the pool in the manner set forth in its voluntary program.

While no obligation is imposed upon you, by virtue of this request, to participate in the operations of this pool, if you wish to participate you may do so by notifying the Honorable Y. Brynildssen, Acting Administrator of the Small Defense Plants Administration, 1337 E Street, N. W., Washington 25, D. C., in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that such operations are within the limits set forth in the approved voluntary program.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and representatives of the Small Defense Plants Administration, pursuant to Section 708 of the Defense Production Act of 1950, as amended.

Sincerely yours,

ARTHUR S. FLEMMING,

Director.

Albuquerque Production Pool, Inc., accepted the request set forth above to operate as a small business production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Acoma Corporation, 5321 Acoma Road, Albuquerque, N. Mex.
Anderson Manufacturing Co., 1404 Sunset Road SW., Albuquerque, N. Mex.
Benischek Manufacturing Co., 627 Broadway SE., Albuquerque, N. Mex.
W. L. Childers Welding & Machine Works, 605 Euclid Avenue, Albuquerque, N. Mex.
Consolidated Machine & Supply Co., Ltd., 2016 Fifth Street NW., Albuquerque, N. Mex.
Crown Engineering, P. O. Box 6127, Station B, Albuquerque, N. Mex.
Gaddis Machine Works, 6300 Central SW, Albuquerque, N. Mex.
Machine Engineering Corp., 630 Haines Avenue NW., Albuquerque, N. Mex.
M & F Equipment Co., 824 North Arno, Albuquerque, N. Mex.
Mallow Plating & Manufacturing Works, 417 Summer Avenue NW., Albuquerque, N. Mex.
Quality Wood Shop, 1332 Bridge Street SW., Albuquerque, N. Mex.
Sun Country Industries, Star Route, Box 17, Alameda, N. Mex.
Troy's Welding Shop, 6201 Second Street NW., Albuquerque, N. Mex.
(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: July 30, 1953.

WILLIAM D. MITCHELL,
Administrator.

[F. R. Doc. 53-7594; Filed, Aug. 28, 1953;
8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28391]

SALT FROM POINTS IN TEXAS AND
LOUISIANA TO LURAY, VA.

APPLICATION FOR RELIEF

AUGUST 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3668, Supp. 55.

Commodities involved: Salt, carloads.
From: Points in Texas and Louisiana.
To: Luray, Va.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula, additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3668, Supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to

take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7582; Filed, Aug. 28, 1953;
8:51 a. m.]

[4th Sec. Application 28392]

LIQUEFIED PETROLEUM GAS FROM NORCO,
LA., TO DOTHAN, ALA.

APPLICATION FOR RELIEF

AUGUST 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1253, Supp. 104.

Commodities involved: Liquefied petroleum gas, carloads.

From: Norco, La.

To: Dothan, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1253, Supp. 104.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7583; Filed, Aug. 28, 1953;
8:51 a. m.]

[4th Sec. Application 28390]

FORTIFIED COKE FROM ST. LOUIS, MO.,
EAST ST. LOUIS, AND GRANITE CITY, ILL.,
TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 26, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 704, Supp. 11.

Commodities involved: Coke, fortified, in carloads.

From: St. Louis, Mo., East St. Louis and Granite City, Ill.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch's tariff I. C. C. No. 704, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-7584; Filed, Aug. 28, 1953;
8:51 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 25]

FERNWOOD, COLUMBIA & GULF RAILROAD
Co.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Fernwood, Columbia & Gulf Railroad Company, account washout, is unable to transport traffic routed over its line: *It is ordered, That:*

(a) Rerouting traffic: The Fernwood, Columbia & Gulf Railroad Company being unable to transport traffic routed

over its line, because of washout, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:30 a. m., August 22, 1953.

(g) Expiration date: This order shall expire at 11:59 p. m., September 15, 1953, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 22, 1953.

INTERSTATE COMMERCE
COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 53-7581; Filed, Aug. 28, 1953;
8:50 a. m.]